

the immigration act of 1924 and repudiate the alien and selfish racial interests seeking the repeal of this just provision of law, and to enact more adequate legislation for the deportation of alien criminals, anarchists, communists, and insane who are a menace to the public safety and constitute a grievous burden to the taxpayer; to the Committee on Immigration and Naturalization.

490. Also, petition signed by 50 citizens of Cleveland, Ohio, petitioning Congress to retain the national-origins provision of the immigration act of 1924 and repudiate the alien and selfish racial interests seeking the repeal of this just provision of law, and to enact more adequate legislation for the deportation of alien criminals, anarchists, communists, and insane who are a menace to the public safety and constitute a grievous burden to the taxpayer; to the Committee on Immigration and Naturalization.

491. By Mr. McCORMACK of Massachusetts: Petition of Boston Branch, National Customs Service Association, Joseph H. Bramble, president, customhouse, Boston, Mass., urging repeal of paragraph (b), section 451, of House bill 2667 (the tariff bill); to the Committee on Ways and Means.

## SENATE

WEDNESDAY, May 22, 1929

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

Mr. BORAH. Will the Senator withhold the call for a moment?

Mr. FESS. Certainly.

### REPORTS FOR EXECUTIVE CALENDAR

Mr. BORAH. Mr. President, from the Committee on Foreign Relations I submit reports for the Executive Calendar.

The VICE PRESIDENT. Without objection, the reports will be received and placed on the Executive Calendar.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a communication from Dr. Harry Cohen, president of the Eastern Medical Society of the city of New York, containing conclusions reached at a meeting held under the auspices of that society relative to the narcotic problem and favoring particularly the calling of another world conference on narcotics "so that the United States may lead the world in eradicating forever this serious menace to humanity," which was referred to the Committee on Foreign Relations.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was ordered to lie on the table:

#### STATE OF WISCONSIN.

##### Senate Joint Resolution 80

Joint resolution memorializing the Congress of the United States to enact the farm debenture plan for agricultural relief into law

Whereas the farm debenture plan appears to be the most workable and most practicable method now before Congress for the alleviation of our present agricultural ills; and

Whereas such plan is indorsed by most leading students of agricultural problems and by such forward-looking farm organizations as the National Grange: Therefore be it

*Resolved by the senate (the assembly concurring).* That the members of the Legislature of the State of Wisconsin hereby record themselves as respectfully memorializing Congress to enact the necessary legislation to put into effect at an early date the farm debenture plan as now before Congress; be it further

*Resolved,* That a copy of this resolution duly attested by the proper officers of the senate and assembly be transmitted to the presiding officers of each House of Congress.

The VICE PRESIDENT also laid before the Senate the following memorial of the Senate of the Territory of Alaska, which was referred to the Committee on Territories and Insular Possessions:

#### IN THE SENATE,

#### IN THE LEGISLATURE OF THE TERRITORY OF ALASKA,

#### NINTH SESSION.

Senate Memorial 1 (by Senators Anderson, Benjamin, Frame, Steel, and Sundquist)

To the President of the United States, the United States Senate, the House of Representatives, and the Delegate from Alaska:

Your memorialist, the Territorial Senate of the Territory of Alaska, in ninth session assembled, hereby most earnestly and respectfully represents:

1. That by the act of Congress of August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes" (37 Stat. L. 512), the people of Alaska were organized into a Territory and given power to create an American Territorial form of government therein, based on the principles of the Constitution of the United States after the type heretofore organized in the Territories of the West, which gave their people a full Territorial form of government and fitted such Territories to later form and adopt State constitutions and be admitted as States into the Union.

That it was the purpose of Congress in passing the organic act of August 24, 1912, aforesaid, to give the people of Alaska an equal opportunity with other American Territories.

2. That notwithstanding the power and authority thus given to the people of Alaska, their Territorial legislature from session to session has given the power of government and the control of the Territorial affairs into the hands of the governor and other Federal officials, whereby the present Territorial government is not in any sense responsible to the people of Alaska, and has become and now is a Federal bureaucratic government, with the appointed governor, the secretary of the Territory, other Federal officials, and Territorial appointive boards filled by appointment by these Federal officials in full charge, while the citizens, electors, and taxpayers of Alaska are practically excluded from any participation in the management of their Territorial affairs.

3. That many patriotic citizens and members of the Territorial legislature have protested from session to session against the growth of Federal bureaucratic organization in our Territorial government, whereby slowly but surely the entire power and control has passed and is now lodged in the said Federal officials, who contest efforts on the part of our members or citizens to regain any part of it for the public good.

4. That to aid the efforts of citizens, electors, and taxpayers of Alaska to stop the Federal appointive officials in holding and extending their autocratic and unlawful control over our own Territorial government certain citizens and taxpayers in Alaska some two years ago, immediately after the adjournment of the legislature of that session, brought suits in the United States District Court of Alaska, First Division, against the Territorial treasurer, who is also appointed by the Governor of Alaska, to restrain him from paying out Territorial funds to the secretary of the Territory and to other Federal officials and employees in violation of specific laws of the United States, and such proceedings were had in such suits that the court declared such payments were illegal and void, and that such Federal officials holding said Territorial offices were acting therein in violation of the said United States statutes.

5. That Congress thereafter passed an act entitled "An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska," which was approved by the President of the United States on February 18, 1929; whereby the very salaries and compensations so held by the said court to be invalid and void were validated and ordered to be paid, but, well recognizing the evil in said matters, the said act of Congress concluded with a warning to the said Federal officials in Alaska, and to the Territorial Legislature, not to continue said evil and unlawful practices; that reference is hereby made to said act of Congress, and reference is also made to Senate Report No. 1048, Seventieth Congress, first session, by Senator PITTMAN, and the House Report No. 2172, Seventieth Congress, second session, by Mr. DOWELL, being the respective reports of the Senate and House on S. 4257; and you are respectfully referred also the proceedings in the House of Representatives, found in the CONGRESSIONAL RECORD of February 13, 1929, on the passage by that body of S. 4257 where the evils mentioned are discussed.

6. That seeking to cure the defects in the laws of Alaska whereby the said Federal officials dominate our Territorial government and to provide a lawful method of taking over and performing the Territorial powers and offices so declared to be illegally held and performed by said Federal officials, by the court in the suits mentioned, early in the present session of the Territorial Legislature, senate bill No. 35 was introduced in that body; it was regularly referred to the committee, reported, considered, amended, and finally passed by the senate by a majority vote of five senators voting for and three senators voting against its passage. It was passed in strict conformity with the provisions of the organic act of Alaska and duly forwarded to the Territorial house of representatives for consideration. A full, true, and correct copy of said senate bill No. 35, as it was finally amended and forwarded to the Territorial house of representatives for its action, will be made a part of this memorial by attachment.

7. That said senate bill No. 35 was received by the Territorial house of representatives in regular session and referred to its house committee on Territorial institutions, which said committee duly considered the said bill, and, on April 11, 1929, presented the report on the bill to the house, that a full, true, and correct report as found printed in the journal of the house of April 11, 1929, will be made a part of this memorial by attachment.

8. That the said house report made by its committee on Territorial institutions recommended (and the house subsequently adopted such recommendation) that all those provisions in senate bill No. 35 attempting to create a Territorial board of control be stricken out of said bill,

and specially all of sections 21, 22, 23, 24, 25, 26, 27, and 28, which sections created a Territorial board of control in the Territorial government of Alaska, to consist of the governor, the Territorial treasurer, and the Territorial auditor, the two last-named officials to be elected by the people of Alaska; it was provided in said sections 21 to 28, stricken from said senate bill No. 35, that this board of control, with the governor at its head, should take over and perform a wide range of Territorial duties which, without said sections 21 to 28, both inclusive, can not now be legally performed by any Federal or Territorial official or board, for want of any legally constituted board or officials authorized by law to perform them; that said senate bill No. 35 is the only bill pending before the legislature attempting to provide a lawful way to cure the defects now existing in the laws of Alaska which will permit the Territorial banking board, the Territorial board of road commissioners, and other Territorial boards to legally perform the duties heretofore imposed on said boards on account of the well known and judicially determined disqualification of the secretary of the Territory, and other Federal officials, to lawfully act as officials on said Territorial boards, in violation of section 11 of the organic act of Alaska, all of which is well known to the Governor of Alaska, to the legislature, and the other Federal officials heretofore acting on said Territorial boards.

9. That if the amendments contained in the House committee report on Senate bill No. 35, which report has been adopted by the House and is there supported by a majority equal, in proportion to the Senate opposition, should prevail and the bill be passed in that form, the autocratic and uncontrolled power of the appointive governor would be newly and widely extended over the government of Alaska, and its people, by the adoption of item 29 in said report, as follows:

"SEC. 21. The commissioner of education, Territorial mine inspector, highway engineer, trustees of the Alaska Agricultural College and School of Mines, commissioner of health, and superintendent of the pioneers' home shall hereafter be appointed by the governor, subject to confirmation by a majority of all the members of the senate and house of representatives of the legislature in joint session assembled, etc."

10. That the Governor of Alaska has been active in opposition to attempts to secure to the people of Alaska that voice in their local government to which they are entitled under the organic act of Alaska; that well knowing that a bill having the general purpose contained in sections 21 to 28, inclusive, of Senate bill No. 35 would be introduced in the legislature of 1927, as it had been in previous sessions, he publicly but discreetly warned the attending members of the legislature against it in his message to that body before the bill was introduced. A copy of his message of 1927 with the discreet warning will be made a part of this memorial by attachment. That by methods heretofore mentioned and by the governor's powerful opposition the bill was defeated in the session of 1927; that on the adjournment of that legislature and the commencement of the suits in the district court to restrain the Territorial treasurer from paying out the Territorial funds to the secretary of the Territory in violation of section 11 of the organic act of Alaska, the governor officiously pushed his way into that suit, as Governor of Alaska, in connection with the secretary of the Territory and employed attorneys, and made himself a party to the suit by intervening therein; but notwithstanding his activity the court held the secretary could not hold both a Federal and Territorial office at the same time and draw salaries from both the United States and the Territory. Your memorialist will attach a full, true, and correct copy of the pleading by which the governor thrust himself into said suit as intervener, to this memorial.

11. That just prior to the convening of this ninth session of the Territorial legislature the Governor of Alaska, well knowing that senate bill No. 35 would be introduced in the legislature by those who believe in the formation of an American form of government in the Territory of Alaska, submitted a copy of senate bill No. 1 of 1927, which bill did not pass the senate, and ignored house bill No. 30 of 1927, which was similar to senate bill No. 35 of this session, and which bill passed the house in 1927 and was refused consideration in the senate by a tie vote, to the Solicitor of the Department of the Interior and requested an opinion which would, to use the last clause in the solicitor's opinion, "show sufficient reasons for the exercise of the veto power by the governor if such a measure should be passed by the assembly, and, if finally passed over the veto, then for disapproval thereof by Congress under the power reserved by section 20 of the organic act of Alaska"; that that opinion of the solicitor was approved February 13, 1929, by E. C. Finney, First Assistant Secretary. A copy of that opinion, we understand, has been used to persuade members of the legislature to support the governor's opposition to senate bill No. 35 and to strike out sections 21 to 28, inclusive, thereof, which provides for a board of control, with the governor at its head and two members to be elected by the people of Alaska; that a copy of the letter of the solicitor dated February 13, 1929, will be attached to this memorial.

12. That by reason of the political activity and powerful opposition of the Governor of Alaska to the passage of senate bill No. 35, his threats to veto the same, and the influence of other Federal officials against it, your memorialist, the Territorial Senate of Alaska, thinks it

is impossible at this time to secure any favorable action of the Legislature of Alaska on senate bill No. 35, with sections 21 to 28, both inclusive, or any similar provisions therein, or any favorable action on any legislation to cure the void laws creating the various Territorial boards when the offices are filled by Federal officials, in violation of section 11 of the organic act of Alaska.

Wherefore your memorialist prays that Congress will consider the matter and give the people of Alaska relief by the enactment of a law granting them power to create an American form of Territorial government in Alaska without domination and control by appointed officials.

And your memorialist will ever pray.

Passed by the senate May 2, 1929.

WILL A. STEEL,  
*President of the Senate.*

Attest:

CASS COLE,  
*Secretary of the Senate.*

IN THE DISTRICT COURT IN AND FOR THE TERRITORY OF ALASKA, FIRST DIVISION, JUNEAU

James Wickersham, for himself and all other taxpayers similarly situated, plaintiff, v. Walstein G. Smith, as Territorial treasurer of the Territory of Alaska, defendant. No. 2735-A. Petition for intervenor

Comes now George A. Parks, as Governor of the Territory of Alaska, and represents to the court that as such governor he is interested in the result of this proceeding and in the success of the parties thereto, and in the success of the defendant; that the facts showing his said interest are more particularly set forth in a complaint in intervention duly sworn to and attached hereto and submitted herewith, and this petition is based upon the facts therein stated.

Wherefore your petitioner prays that he be permitted to intervene and become a party to this proceeding.

HELLENTHAL & HELLENTHAL,  
*Attorneys for Intervenor.*

Received 11 a. m., May 11, 1927.

JAMES WICKERSHAM,  
*Attorney for Plaintiff.*

IN THE DISTRICT COURT IN AND FOR THE TERRITORY OF ALASKA, FIRST DIVISION, JUNEAU

James Wickersham, for himself and all other taxpayers similarly situated, plaintiff, v. Walstein G. Smith, as Territorial treasurer of the Territory of Alaska, defendant. No. 2735-A. Complaint in intervention

George A. Parks, as Governor of the Territory of Alaska, intervenor.

Comes now George A. Parks, and leave of court having been first had and obtained, files this his complaint in intervention, and alleges:

I

That he now is, and for more than one year last past has been, the duly appointed, qualified, and Acting Governor of the Territory of Alaska.

II

That the first Alaska Territorial Legislature and the various Territorial legislatures that convened subsequent thereto have from time to time imposed upon the governor of the Territory official duties not imposed by the organic act or the laws of the United States, but nevertheless of such a character that the same are not inconsistent with the duties imposed by either the organic act or laws of the United States, and belonging to the class of duties ordinarily imposed upon and exercised by governors; that in order to perform the duties so imposed it was and is necessary that much additional clerical help should be employed in the governor's office. Many additional duties arise under the Territorial laws devolving upon the secretary to the governor, and the additional clerical work required by reasons of the duties so imposed by the Territorial legislature necessitate the employment of at least one clerk, which can not be had for less than \$2,100 per annum, and one stenographer, which can not be had for less than \$1,800 per annum, and make it necessary that larger quarters be supplied for the use of the governor's office so as to necessitate additional janitor and messenger service, which can not be had for less than \$600 per annum; that in order to carry out the provisions of the various Territorial acts above referred to and perform the duties thereby imposed it is necessary that the governor should visit from time to time the different portions of the Territory and incur the necessary traveling expenses incident to such visits, and that an appropriation of approximately \$2,000 should be made for this purpose. One of the duties imposed on the governor by the Territorial legislature relates to the dissemination of information. Certain booklets and pamphlets have previously been prepared for this purpose, and their distribution requires an appropriation of approximately \$2,000; that from time to time officers and representatives of the United States and of foreign countries visit Alaska, and to entertain them in the manner suggested by the legislature an appropriation of \$2,000 for the biennium is included in the appropriation bill. The executive mansion requires repairs from time to time to prevent the build-

ing from falling into decay and preserving not only its usefulness but also its value, and the appropriation of \$1,250 for the biennium for that purpose is not more than sufficient to meet the requirements.

## III

Your intervenor further alleges that the duties imposed upon the governor by the Territorial legislature and not provided for by the organic act or the laws of the United States are of such a character that the laws of the Territorial legislature can not be given full force and effect unless these duties are performed and carried out, and the same can not be performed and carried out without incurring the expenses above referred to as necessary in carrying out such duties; and that if the moneys appropriated by the Territorial legislature are not available, the governor's office will to that extent cease to function, and such laws of the Territorial legislature, depending for their enforcement and effect upon the activities of the governor in that connection, will cease to be effective; that to continue the injunction heretofore issued by the court would not only result in great public inconvenience but would result in destroying the force and effect of many of the laws of the Territory and of preventing Territorial boards which are necessary to administer many laws passed by the legislature from functioning; that among the boards of which the governor is chairman, and which would be thus injuriously affected by the restraining order if kept in force, are the board which looks after the affairs of the Pioneers' Home, the banking board, board of children's guardians, as well as many others; that the matters and things subjected to the control of these various boards are such that their continuous operation is not only desirable, but is an imperative necessity.

## IV

That laws appropriating moneys for similar purposes to those indicated in the appropriation bill referred to in the complaint, including the appropriations herein referred to, have been passed by the Territorial legislature from time to time ever since the first session thereof, and have been submitted to Congress for approval, and that none of such laws have ever been disapproved by Congress.

Wherefore this intervenor prays that the plaintiff's bill of complaint be dismissed; that he take intervention by reason thereof, especially in so far as it relates to the appropriations made for the governor's office, to which reference has heretofore been made; and that this court make an order and decree dissolving the restraining order heretofore issued and directing the treasurer of the Territory to disburse the moneys appropriated for use in connection with the governor's office in the manner provided by law and in regular course, and for such other and further relief as to the court may seem just and equitable; and allow this intervenor costs and disbursements in his behalf incurred.

HELLENTHAL & HELLENTHAL,  
Attorneys for Intervenor.

UNITED STATES OF AMERICA,

Territory of Alaska, ss:

George A. Parks, being first duly sworn on oath, deposes and says that he is the intervenor above named; that he has read the foregoing complaint in intervention; and that the same is true, as he verily believes.

GEORGE A. PARKS.

Subscribed and sworn to before me this 11th day of May, 1927.

[SEAL.]

SIMON HELLENTHAL,

Notary Public in and for the Territory of Alaska.

My commission expires January 14, 1930.

UNITED STATES DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SOLICITOR,  
Washington, February 13, 1929.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: The Governor of the Territory of Alaska submitted a copy of a bill which has been heretofore under consideration by the legislature of the Territory and which, he anticipates, may be again introduced. The bill contemplates extensive changes in the organization of the local government and proposes to transfer many of the existing duties of the governor and the secretary of the Territory to other officers to be elected or appointed by other than the sole authority of the governor, and they are to be subject to impeachment by the legislature. My opinion has been requested as to whether the proposed legislation would be in contravention of the laws of Congress appertaining to Alaska.

The bill in question is for an act entitled "An act to reorganize the executive department of Alaska, creating the offices of comptroller, treasurer, attorney general, and board of control, and defining their functions and to declare an emergency."

It is provided that the comptroller shall be elected at the general election for a term of four years, but the first comptroller is to be chosen by the members of the legislature in joint session, "either during session of the legislature or within five days after adjournment of a session."

The governor is given no power of appointment even to fill a vacancy in that office except that when such vacancy occurs when the legislature is not in session the governor and the remaining two members of the board of control shall, by a majority of the three, appoint a person to fill the vacancy, and such appointee shall serve until the person chosen by the legislature or elected by popular vote is qualified.

Very extensive powers are conferred upon the comptroller by the terms of the bill. He is to audit all claims against the Territory and draw warrants for payment of claims found to be just and true. He is to be registrar of vital statistics and discharge all duties now devolving upon the secretary of the Territory in respect thereto, under certain specified Territorial enactments, and the secretary is required to transfer the records of his office as such registrar to the office of the comptroller. The comptroller is also to be required to perform the duties now devolving upon the secretary of the Territory under laws of the legislature relative to elections and all records appertaining thereto are transferred to the comptroller. Various other duties now devolving upon the secretary of the Territory or the governor under enactments of the legislature or laws of Congress are transferred to the comptroller, including the appointment of notaries public. The comptroller is to be empowered to appoint members of the board of children's guardians, pharmacy board, board of medical examiners, commissioner and assistant commissioners of health, board of dental examiners, and perform all functions now required of the governor respecting these activities, and all of the said boards are required to report to the comptroller instead of the governor. A general clause reads as follows:

"All duties or functions conferred upon either the governor or the secretary of the Territory by any statute enacted by the legislature, and which have not been otherwise disposed of or provided for by this act, shall be discharged by the comptroller: *Provided, however*, That if any such duties or functions shall be incompatible with the duties or functions herein specifically enumerated as conferred upon the comptroller, they shall be performed by the attorney general."

The bill also provides for the appointment or election of a treasurer in the manner provided for the election of comptroller, and any vacancy occurring in the office is to be filled in the same manner. He is to receive and disburse upon warrants drawn by the comptroller funds belonging to the Territory, including money due the Territory on account of sales of timber in national forests, the latter to be expended as provided by Federal laws for the benefit of the public schools and roads.

The bill also provides for election or appointment of an attorney general of the Territory in the same manner as provided for election of comptroller. He is declared to be the official adviser of the governor, the secretary, the comptroller, the treasurer, and the other officers of the Territory. He is authorized to perform "and such duties as may be required by law as usually pertain to the office of attorney general of a Territory, and such authority shall extend to all proceedings, both in the courts of Alaska and the appellate courts, and, whenever in any case above mentioned the United States is allowed the right to review by writ of error, appeal, or certiorari the attorney general of the Territory may perfect the proceedings on such writ, appeal, or certiorari in event of the refusal of the United States attorney so to do." He is also assigned the duty of prescribing forms of official ballots, register of voters, certificates, etc., relating to election and is required to perform all of the duties now imposed upon the secretary of the Territory relating to the printing and distribution of laws enacted by the legislature and the records of the secretary pertaining to the matter are transferred to the attorney general. The attorney general is also authorized to bring suit in the name of the Territory to determine the validity of any statute, proclamation, or regulation, or for such purpose he may institute or defend actions or suits for private individuals or corporations, and, at the expense of the Territory, whenever the importance of the questions involved to the inhabitants shall warrant it.

A board of control is also established, consisting of the comptroller, treasurer, and attorney general of the Territory. This board is to take over the duties of Territorial board of road commissioners, the banking board, and is to constitute the Territorial board of education and discharge all of the functions imposed upon the governor under any of the Territorial acts relative to schools and education not otherwise provided for. The said board is also invested with authority to appoint the Territorial mine inspector, the trustees of Alaska Agricultural College and School of Mines, the members of the Territorial board of accountancy, and the inspector of livestock. It is also to constitute the Territorial fish commission and the Territorial historical library and museum commission. Also supplies for the various offices of the Territory are to be purchased through the board.

The comptroller, the treasurer, and the attorney general are subject to removal from office on impeachment by the legislature for malfeasance, misfeasance in office, or for intoxication, or may be removed by the district court for such offense or any crime involving moral turpitude.

It will be noted that article 4, establishing the board of control, does not include the governor as a member. Article 1 provides that the gov-

ernor and the remaining two members of the board of control may fill a vacancy in the office of any one of the three members of the board. He merely has one vote in a body of three in the choice of a person to fill such vacancy temporarily when the legislature is not in session.

It thus appears that this bill proposes to strip the governor and the secretary of the Territory of virtually all authority in respect to duties theretofore conferred upon them by acts of the legislature. Doubtless much of this is permissible. In respect to matters properly within the jurisdiction of the local legislature no valid objection may be urged to such measures as it may in its judgment deem wise to enact. But some of the provisions of this bill strike at the very root of Territorial government as established by Congress. Indeed, it would amount to a virtual emancipation from Federal control. In some respects it is in contravention of the statutes of the United States conferring limited powers upon the Territorial legislature.

In considering this subject it will be necessary to make reference to various provisions of Federal laws for purpose of comparison with certain features of the bill. Under the Federal Constitution Congress has full and complete power to enact laws for local government of Territories. It may legislate directly or transfer the power to the local legislature formulated in such manner and invested with such limited powers as Congress may see fit to grant.

By the act of May 17, 1884 (23 Stat. 24), Alaska was constituted a civil and judicial district, and authority was provided for the appointment of a governor and a district judge. In respect to the powers of the governor it was provided: "He shall perform generally in and over said district such acts as pertain to the office of governor of a Territory, so far as the same may be made or become applicable thereto."

By the act of June 6, 1900 (31 Stat. 321), entitled "An act making further provision for a civil government of Alaska, and for other purposes," it was provided in section 2 thereof that the governor should exercise authority as above stated in the quotation from the act of May 17, 1884. It added certain other specified duties of the governor, and expressly conferred upon him the authority to appoint notaries public for the district.

By the act of January 27, 1905 (33 Stat. 616), the governor was made ex officio superintendent of public instruction, and as such was given supervision and direction of the public schools in said district.

By the act of August 24, 1912 (37 Stat. 512), Congress provided for the organization of a territorial form of government for Alaska and created a legislative assembly with limited powers of legislation. Section 3 of the act expressly provided: "That all the laws of the United States heretofore passed establishing the executive and judicial departments in Alaska shall continue in full force until amended or repealed by act of Congress." It further provided that all laws then in force in Alaska, except as otherwise provided therein, should continue in full force and effect until amended or repealed by Congress or by the legislature. But it was further expressly provided that the authority therein granted to the legislature to amend or repeal the laws then in force in Alaska should not extend to certain specified subjects, not here necessary to mention, nor to the act of January 27, 1905 (33 Stat. 616), and acts amendatory thereof. Section 9 also contained a long list of specific limitations upon the legislative powers of the assembly, none of which appears to be violated by the bill in question. Subject to the limitation specified in the said organic act the legislative power of the assembly was extended to "all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States."

I have heretofore mentioned that provision of the organic act which reserved to Congress the authority to repeal laws of the United States theretofore passed establishing the executive and judicial departments in Alaska. That precise provision was considered by the Supreme Court in the case of *United States v. Wigger* (235 U. S. 276), wherein the court said:

"It seems to us that by the language employed, Congress intended to draw a clear distinction between those laws by which the executive and judicial departments had been established in the Territory and those minor regulations that had to do with practice and procedure. Those enactments by which Congress had provided for the appointment of executive and judicial officers for the Territory and had marked out the powers, authority, and jurisdiction of each, and provided safeguards for their maintenance, are properly within the category of laws 'establishing' those departments. These laws and not those merely regulating the procedure were by the act of 1912 continued in force until amended or repealed by act of Congress."

It will therefore become necessary to closely consider the extent of the powers conferred by Congress upon the executive and judicial officers in order to determine whether this proposed law is in contravention thereof. It will be noted that the laws of Congress above cited relating specifically to Alaska are very general as regards the powers of the governor. It is expressly provided, however, that he may appoint notaries public, and it is reasonable to conclude that this is an exclusive power

vested solely in the governor and not to be shared by any other officer. The proposed act designed to authorize the comptroller to appoint notaries public appears to be clearly in conflict with that provision of the act of Congress and not within the power of the legislature as indicated in the decision above quoted. But it is further believed that the powers of the governor in respect to the appointment of officers are not limited to those expressly named in any act relating to Alaska. By the act of June 6, 1900, supra, he is authorized to perform generally in and over said district such acts as pertain to the office of governor of a Territory so far as the same may be made or become applicable thereto. It has been held in some cases and for some purposes that Alaska, even before the act of August 24, 1912, had the status of a Territory, but its status as such was placed entirely beyond dispute by that act. Having become a Territory, the laws of Congress applicable to all Territories became at once effective and in full force in Alaska except as provided otherwise by express language or by necessary implication.

Sections 1857 and 1858, United States Revised Statutes (secs. 1458-59, Title 48, U. S. C.), read as follows:

"Sec. 1857. All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

"Sec. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council."

Much light on this subject is found in the well-considered case of *Clayton v. Utah Territory* (132 U. S. 632), which involved the question of validity of two enactments of the Territorial Legislature of Utah one of which provided for the appointment of certain officers by joint vote of the Legislative Assembly of Utah Territory, and a later one providing for the election of such officers. The organic act creating the Territory of Utah was prior to the date of the United States Revised Statutes. It contained provision substantially the same as afterwards embodied in section 1857, Revised Statutes. The court noted the division of power in respect to the appointment of local officers, such as county, district, and township officers, the appointment of which was properly the subject for legislation by the Territorial assembly on the one hand, and the other class of officers, not local, subject to appointment by the governor, by and with the advice and consent of the legislative council or senate. It was observed that this scheme of limited local self-government for the Territory was one to which Congress attached much importance, as shown by the fact that it was subsequently adopted in the organic acts establishing various Territories, "and it is reproduced as applicable to all of the Territories by section 1857 of the Revised Statutes."

The court held in that case that the said legislative enactments were valid in so far as they established the offices, but invalid in so far as they undertook to take away from the governor the appointing power. (See also to the same general effect 18 Ops. A. G. 193; 1 Utah, 81; 2 Idaho, 180; 8 Utah, 294.)

The office of treasurer of the Territory was created by chapter 77 of the legislative acts of 1913, which provided that the office should be filled through appointment by the governor.

The office of attorney general was created by chapter 77 of the legislative acts of 1915, which provided that the office should be filled by election of the qualified voters, but in case of a vacancy the governor could fill it by appointment until the next general election. The assembly was also given the power of impeachment. It is to be presumed that the said act of the legislature was reported to Congress, as provided by the organic act, and it does not appear that Congress has taken any action thereon. Under circumstances somewhat analogous it has been held in some cases that the consent of Congress should be assumed, where the question was whether the subject was a rightful subject of legislation by the Territorial legislature. But it is believed that the correct and clear rule, especially as applied to the instant matter, was stated by the court in the case of *Clayton v. Utah Territory*, supra, where the question was very fully considered. The court said:

"The case of *Snow v. The United States* (18 Wall. 317) is supposed to conflict with these views. In that case the office of attorney general was created by an act of the Legislature of Utah, whose duty it should be to attend to all legal business on the part of the Territory before

courts where the Territory was a party, and prosecute individuals accused of crime in the judicial district in which he kept his office, in cases arising under the laws of the Territory, and such other duties as pertained to his office. This was supposed to be in conflict with the provision of the organic act, which authorized the appointment of an attorney for the Territory by the President. The court, however, held that the duties of the office created by the Territorial legislature were not identical with those of the attorney for the Territory created under the organic act, and that it differed especially in that his functions only extended to the prosecution of individuals accused of crime in the judicial district in which he kept his office, in cases arising under the laws of the Territory, and that for other districts a district attorney should be elected in like manner and with like duties. And the court with some hesitation based its decision on this ground and on the fact that the act had been in operation without contest for many years.

"It is true that in a case of doubtful construction the long acquiescence of Congress and the General Government may be resorted to as some evidence of the proper construction, or of the validity, of a law. This principle is more applicable to questions relating to the construction of a statute than to matters which go to the power of the legislature to enact it. At all events it can hardly be admitted as a general proposition that under the power of Congress reserved in the organic acts of the Territories to annul the acts of their legislatures the absence of any action by Congress is to be construed to be a recognition of the power of the legislature to pass laws in conflict with the act of Congress under which they were created.

"The question of the appointing power, which is the matter in controversy here was not before the court in that case. We do not think that the acquiescence of the people, or of the Legislature of Utah, or of any of its officers, in the mode for appointing the auditor of public accounts, is sufficient to do away with the clear requirements of the organic act on that subject."

It therefore appears that the said bill, if enacted, would be invalid as regards those provisions for the appointment and election of comptroller, treasurer, and attorney general, and also in respect to the proposed appointing power conferred upon the comptroller where the officers are not for a local subdivision of the Territory.

As to those various duties heretofore conferred upon the governor or the secretary of the Territory by legislative acts, they may be removed in like manner, but any powers conferred upon those officers by Congress are beyond the legislative power of the assembly.

There are probably other objectionable features in the measure. Its general tenor and effect is contrary to the fundamental principles of the limited power conferred upon the Territorial assembly. For instance, it is not believed that the assembly has the power to impeach and remove from office any officer whose appointment is vested in the governor. And some of the authority to be conferred upon the attorney general would seem to be inconsistent with the exercise of executive power by the governor. It is proposed that the attorney general may bring suit to test the validity of any law, proclamation, or regulation, either to restrain or impel the enforcement thereof, which seems to contemplate that he may bring the governor or other officers into court to compel or restrain the enforcement of any law, and that he may attack any proclamation or regulation issued by the governor. This presents an opportunity for unwholesome strife in the executive department and is in effect a transfer of paramount authority lodged in the governor in the performance of executive duties. As the executive head the governor is supposed to speak the final word for that department in respect to administrative matters under his control, subject to the supervisory power of the Secretary of the Interior.

While there are probably other objectionable features in the proposed bill, it is believed that the above observations show sufficient reasons for the exercise of the veto power by the governor if such a measure should be passed by the assembly, and, if finally passed over the veto, then for disapproval thereof by Congress under the power reserved by section 20 of the act of August 24, 1912, *supra*.

Respectfully,

E. O. PATTERSON,  
*Solicitor.*

Approved February 13, 1929.

E. C. FINNEY,  
*First Assistant Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, February 21, 1929.

Copy for the information of HON. DAN A. SUTHERLAND, Delegate from Alaska, Washington, D. C.

JOHN H. EDWARDS,  
*Assistant Secretary.*

Mr. EDGE. Mr. President, I ask unanimous consent to insert in the RECORD and refer to the Committee on Foreign Relations resolutions of the New Jersey State Federation of Women's Clubs. The resolutions were passed at a general

meeting of the annual convention of the federation and favor the adherence of the United States to the World Court.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

MAY 9, 1929.

(At the annual convention of the New Jersey State Federation of Women's Clubs. Passed at general meeting. Resolution IV, World Court. Offered by international relations committee)

Whereas the General Federation and the State Federation of Women's Clubs have many times advocated the adherence of the United States to the Permanent Court of International Justice; and

Whereas with the signing of the multilateral treaty for the renunciation of war it becomes increasingly important for the United States to have official connection with this international tribunal: Be it

*Resolved*, That the New Jersey State Federation of Women's Clubs reaffirm its desire to see our Nation a member of the World Court and urge the clubs to do all in their power to keep this subject before the women of New Jersey until our adherence has become a fact.

Mr. McKELLAR. I present a petition from many organizations of Franklin, Tenn., relative to the battle field of Franklin. I ask unanimous consent that the petition may be printed in the RECORD, together with the signatures, and referred to the Military Affairs Committee.

There being no objection, the petition, with the signatures attached, was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

*To the Congress of the United States:*

In this day of memorials for the preservation of the memory of the heroism of the veterans of the great Civil War the undersigned respectfully suggest that in pursuit of that policy it would be well for the United States to at once acquire the Carter house and grounds at Franklin, Tenn., now owned by Mrs. Robbie Ullathorne.

We respectfully offer these reasons that may make the purchase a desirable one:

1. The land in question amounts to only about two and a half acres and fronts on Columbia Avenue (formerly turnpike) and is situated in the most attractive part of Franklin. The original Carter house that was headquarters of the commanding Federal general on the field at the time of the battle of November 30, 1864, and on every side of which the battle raged, has been perfectly preserved to this day. Even the locust trees in front are the same. One neat frame room has been added to the southwest corner, which room could be removed or allowed to remain, as might be desired, without injury to the appearance of the building.

2. The property can be purchased cheaply now, as the owner desires to sell it and go to her original home in the county. The building is solidly constructed of brick and has two large rooms below and two above, and two rooms in the "L," besides the new frame room mentioned. It would seem not to be an expensive proposition, as the cost would be, say, not over \$15,000. It would be possible to place a good caretaker in it that would keep it in condition for the use of it as a residence.

3. The Battle of Franklin is commonly thought to have been the most severe battle of the war, and the losses on one side at least were actually greater, without reference to numbers engaged, than occurred in any other battle in the same length of time. Six general officers were killed and five wounded. The general interest in the location is shown by the fact that tourists visit it almost every day, there being hundreds of visitors from distant places within a year. There should be some one ever ready at the place to give them the information they wish. The result of the battle was such that it may be looked upon as the decisive battle of the war. If the place is to be constituted a memorial or monument, it seems clear that it is the better plan for the Government to do it.

Unanimously passed by W. D. C. Chapter, Franklin, Tenn.

Mrs. OWEN WALKER, *President.*  
Mrs. MARY HANNER, *Treasurer.*  
Miss ANNIE WALKER, *Secretary.*  
Mrs. MAYES HUME, *Chairman.*  
Mrs. GEO. COWAN,  
Mrs. MARY BRITT,  
Mrs. E. W. PRIDDY,  
*Committee.*

MAY 1, 1929.

Unanimously passed by Kiwanis Club of Franklin, Tenn.

KIWANIS CLUB,  
By JNO. M. GREEN, *President.*

MAY 2, 1929.

Unanimously passed by Old Glory Chapter, Daughters of the American Revolution, Franklin, Tenn., at the home of Mrs. Wallace Smith.

CAROLINE CARPENTER HOUSE,  
Chapter Regent.

SUSIE GENTRY,  
President C. A. R.,  
Matthew Fontaines Maury Chapter.

MAY 2, 1929.

John E. Stephens Post, No. 22, American Legion, Franklin, Tenn.  
W. H. BEARDEN, Commander.  
T. P. HENDERSON, Adjutant.  
H. G. CHANNELL, Finance Officer.

Adopted May 2, 1929.

Adopted.

NINTH DISTRICT SCHOOL BOARD,  
WM. COURTNEY, Secretary.  
CHAMBER OF COMMERCE,  
R. J. A. JORDAN, Secretary.

For the town of Franklin, Tenn.:

This petition expresses the action we deem proper.  
PARK MARSHALL, Mayor.

MAY 17, 1929.

Mr. LA FOLLETTE presented a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to increase the duty on farm products and products that enter into the manufacture of substitutes for farm products, such as oils and fats, and copra, which was referred to the Committee on Finance. (See joint resolution printed in full when presented yesterday by Mr. BLAINE, p. 1596, CONGRESSIONAL RECORD.)

Mr. BURTON presented resolutions of the Deutsche Gesellschaft, of Bucyrus, and the Eintracht Singing Society, of Chillicothe, both of the State of Ohio, praying for the repeal of the national-origins clause of the existing immigration law, which were referred to the Committee on Immigration.

Mr. WALCOTT presented letters and telegrams in the nature of petitions from the Swedish-American Republican Club of Waterbury; Ingeborg Lodge, No. 22, Vasa Order of America; Connecticut State Council, Steuben Society of America; New Britain Turner Society, of New Britain; the Steuben Society of America, of New Haven; Danish Pastorians Unit 122, Steuben Society of America, of New Britain; and of sundry citizens of Greenwich and Sound Beach, all in the State of Connecticut, praying for the repeal of the national-origins clause of the existing immigration law, which were referred to the Committee on Immigration.

He also presented resolutions of Allan M. Osborn Camp, No. 1, of New Haven, and A. G. Hammond Camp, No. 5, of New Britain, of the Department of Connecticut, United Spanish War Veterans, favoring the passage of Senate bill 476, the so-called Robinson bill, providing increased pensions to Spanish-American war veterans, which were referred to the Committee on Pensions.

#### DEATH OF LIEUTENANT M'HUGH AND OTHERS IN NICARAGUA

Mr. BLEASE. I ask that the clerk may read at the desk a report from the headquarters of the Second Brigade, Marine Corps, Managua, Nicaragua.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

HEADQUARTERS SECOND BRIGADE, MARINE CORPS,  
Managua, Nicaragua, April 22, 1929.

#### Brigade Special Order No. 24

1. It is with profound regret and sadness that this headquarters announces the death of Lieut. James B. McHugh, Sergt. Byron O. Piner, and Corpl. Otto Miller, United States Marine Corps, in an airplane crash at San Carlos, Nicaragua, on April 13, 1929. Lieutenant McHugh, with Sergeant Piner and Corporal Miller, were on a photographic mission, the purpose of which was to obtain a mosaic of the proposed Nicaraguan Canal route in that area, and in taking off the plane had reached an altitude of approximately 1,500 feet when the engine suddenly ceased to function and the plane went into a nose dive, crashing in about 4 feet of water, instantly killing the pilot, Lieutenant McHugh, and the two passengers.

2. The services rendered by Lieutenant McHugh while attached to this brigade have been outstanding. He reported here for duty with the aircraft squadrons February 4, 1928, by flying a Fokker plane, No. 3, from Miami, Fla., to Nicaragua. During his tour of duty in Nicaragua he has flown over 636 hours under most trying and hazardous conditions and circumstances, engaging in four different and separate contacts with hostile bandit forces, and for his meritorious conduct at Murra, Nicaragua, Lieutenant McHugh was cited by brigade orders. On account

of this most regrettable incident the brigade and the Marine Corps mourn the loss of a splendid officer and a gentleman. His high ideals and sterling qualities are an inspiration for all in our future endeavors.

3. Sergt. Byron O. Piner, United States Marine Corps, joined the aircraft squadrons this brigade on August 22, 1928, and was assigned to duty as aviation photographer. He has made many hazardous flights, and while serving in Nicaragua has flown over 120 hours. Sergeant Piner has also served in Guam, Quantico, and on the Cuban aerial survey. His services at all times were most faithful and efficient. He was a fine type of man and a credit to his corps and country. His death is deeply regretted by the entire brigade.

4. Corpl. Otto Miller, United States Marine Corps, served as mechanic and crew chief with the aircraft squadrons this brigade, reporting for duty on May 17, 1928. Since that time he has flown over 14 hours. His services were ever faithful, his conduct exemplary, and by his death the brigade and the corps have lost a valuable and honorable man. All members of this command sincerely regret his tragic death.

By order of Brig. Gen. Dion Williams:

W. DULY SMITH,  
Major, United States Marine Corps,  
Acting Chief of Staff.

Official:

W. W. SCOTT, Jr.,  
First Lieutenant, United States Marine Corps,  
Brigade Adjutant.

Mr. BLEASE. Mr. President, Lieutenant McHugh was a South Carolinian. He lived at the town of Pendleton, in that State, about 2 miles from where I make my summer home. He was from a fine family of people. He left a widow and one small child, a little girl. Upon inquiry I have ascertained the fact to be that his widow will be allowed \$30 a month for herself, and for the little child she will be allowed \$4 a month. Thirty-four dollars is the pitiful allowance the Government gives to this young widow and little baby for services such as are mentioned in the report just read and for the death of her husband in the discharge of his duties for the United States.

I merely call attention to the fact to show how well paid our boys are who are in Nicaragua and how much their families will receive in the event of their death—families who need every cent they can get for the support of the widow and to educate any little child or children the soldier may have left behind. This small allowance will not house and feed them. They should be allowed at least enough to meet the necessities of life.

#### PROPOSED UNIVERSAL DRAFT ACT

Mr. REED. Mr. President, I send to the desk a telegram from Mr. Paul V. McNutt, national commander of the American Legion, which I ask to have read.

The VICE PRESIDENT. The clerk will read, as requested.  
The Chief Clerk read as follows:

INDIANAPOLIS, IND., May 20, 1929.

HON. DAVID REED,  
Chairman Senate Military Affairs Committee,  
United States Senate, Washington, D. C.:

The national executive committee of the American Legion, in meeting assembled, 17th day of May, in Indianapolis, after careful consideration vigorously protests against any attempt to enact legislation for the conscription of man power without taking into consideration the mobilization of industry and wealth in event of another war. For 10 years the American Legion has been urging the enactment of what is known as the universal draft act to make certain that in the future there shall be no profiteers and no slackers and that the entire Nation shall be mobilized for national defense. Now is the time to pass this legislation. We urge the immediate consideration and enactment into law of the Reed-Wainwright resolution, which will carry this into effect. Mobilization of the manhood of the country, ignoring the wealth and industry necessary for success, means that the lessons of the Great War and the sacrifices that have been made have been forgotten. Pass the Reed-Wainwright resolution. Please read this from the floor of the Senate.

PAUL V. McNUTT,  
National Commander.

The VICE PRESIDENT. The telegram will be referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Civil Service, to which was referred the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, reported it without amendment and submitted a report (No. 16) thereon.

Mr. BLAINE, from the Committee on the District of Columbia, to which was referred the resolution (S. Res. 58) to investigate activities of real estate and finance corporations in the District of Columbia concerning the sale of mortgage bonds upon property, reported it with an amendment in the nature of a substitute, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

#### INVESTIGATION RELATIVE TO CERTAIN FEDERAL PATRONAGE

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 59) submitted by the junior Senator from Iowa [Mr. BROOKHART] on the 13th instant, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the amount authorized to be expended by the subcommittee of the Committee on Post Offices and Post Roads investigating the circumstances surrounding the choice of postmasters in presidential offices and carriers, under authority of Senate Resolution 193, agreed to May 19, 1928, Seventieth Congress, and continued during the present Congress by resolution of February 26, 1929, hereby is increased from \$8,000 to \$14,000, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of said subcommittee.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKHART:

A bill (S. 1222) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates; to the Committee on Finance.

By Mr. ODDIE:

A bill (S. 1223) to reduce construction charges on certain lands within the Newlands irrigation project, Nevada; to the Committee on Irrigation and Reclamation.

By Mr. BLAINE:

A bill (S. 1224) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes," approved May 20, 1924, as amended; to the Committee on the Judiciary.

A bill (S. 1225) providing for pensions for Indians in old age; and

A bill (S. 1226) providing aid for Indians who are blind or blind and deaf; to the Committee on Indian Affairs.

A bill (S. 1227) for the protection of holders of industrial insurance policies in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GREENE:

A bill (S. 1228) granting an increase of pension to Hannah E. Flagg; to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 1229) for the relief of Thomas J. Pryor; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 1230) for the relief of Bud P. Matthews; to the Committee on Claims.

A bill (S. 1231) granting a pension to George E. Bayliss; to the Committee on Pensions.

A bill (S. 1232) to establish an aviation flag of the United States of America; to the Committee on Military Affairs.

A bill (S. 1233) to amend the act entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," approved February 28, 1925;

A bill (S. 1234) for the relief of James Jackson;

A bill (S. 1235) for the relief of Patrick O'Brien; and

A bill (S. 1236) for the relief of Adam Augustus Shafer; to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 1237) to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same, in line of duty, in the military or naval service of the United States; to the Committee on Pensions.

#### NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. JONES. Mr. President, I ask unanimous consent out of order to introduce a Senate joint resolution providing for an amendment to the Constitution with reference to national representation on the part of the District of Columbia. This is substantially the same joint resolution that I have heretofore introduced and which has been twice favorably reported from the Committee on the District of Columbia. The question has been raised that a measure such as this should go to the Com-

mittee on the Judiciary. Therefore I ask that it may be referred to that committee.

The VICE PRESIDENT. Without objection, it is so ordered.

The joint resolution (S. J. Res. 43) proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia was read twice by its title and referred to the Committee on the Judiciary.

#### AMENDMENT TO CENSUS AND APPORTIONMENT BILL

Mr. FRAZIER submitted an amendment intended to be proposed by him to the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, which was ordered to lie on the table and to be printed.

#### AMENDMENT OF THE RULES—OPEN EXECUTIVE SESSIONS

Mr. BLACK. Mr. President, on last Saturday I gave notice that I should offer an amendment to the Senate rules. I now send to the desk the proposed amendment, in the form of a resolution; and inasmuch as it consists of only two lines, I ask that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read the resolution (S. Res. 63), as follows:

*Resolved*, That section 2 of Rule XXXVIII be, and the same is hereby, amended to read as follows:

"2. The Senate shall pass upon nominations submitted to it in open session."

Mr. BLACK. I ask that the resolution may lie on the table.

The VICE PRESIDENT. That order will be made.

#### APPORTIONMENT OF REPRESENTATIVES—MAJOR FRACTIONS

Mr. SWANSON. Mr. President, the Senate has under discussion the various methods for the apportionment of representation in the House of Representatives. There has been very much discussion regarding the major-fractions proposition contained in the pending bill. I ask permission at this time to have printed in the RECORD for the information of the Senate a letter which I have received from Prof. William F. Osgood, professor of mathematics in Harvard University.

I would also like to have printed in the RECORD a copy of a letter addressed to the New York Times entitled "A Mathematical Error in the Apportionment Bill," by Prof. Edward V. Huntington, of Harvard University; also an article appearing in Science in the issue of December 14, 1928, on the same subject; another article entitled "How to Measure Departure from Proportionality," by Professor Huntington; and another article in the form of a report to the president of the National Academy of Sciences relating to the same matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

74 AVON HILL STREET,  
Cambridge, Mass., February 2, 1929.

To the MEMBERS OF THE COMMITTEE ON COMMERCE,  
United States Senate, Washington, D. C.

SIRS: With reference to the pending apportionment bill H. R. 11725, permit me to call your attention to the inclosed memorandum on the Method of Equal Proportions, by Prof. E. V. Huntington, of Harvard University.

This memorandum summarizes in nontechnical language the established mathematical facts relevant to this problem.

The description of the method of equal proportions printed in the hearings before the House Committee on the Census, February 21, 1928, pages 61-63, is incorrect.

With great respect, very truly yours,

WILLIAM F. OSGOOD,

Professor of Mathematics, Harvard University,  
Past President of the American Mathematical Society,  
Member of the National Academy of Sciences.

#### MEMORANDUM ON THE METHOD OF EQUAL PROPORTIONS

The Constitution requires that the number of Representatives assigned to each State shall be proportional to the population of that State; and the exact amount of representation to which each State would be entitled in a theoretically perfect apportionment can be calculated at once by the simple rules of arithmetic. But the result of this calculation will not ordinarily be a whole number. Since it is not feasible to give a State, say, 3.14 Representatives, a mathematical problem is presented as to the true meaning of proportionality under these conditions. The history of this problem divides itself into two sharply contrasted periods.

In the earlier period, up to 1921, no adequate mathematical information was available, and Congress was obliged to experiment with various cut-and-try processes of computation, none of which had any scientific foundation.

In the modern period, beginning with 1921, a series of papers (the latest of which appeared in the Transactions of the American Mathematical Society for January, 1928), has provided for the first time a satisfactory insight into the real nature of the problem. These papers have not only clarified the statement of the problem but have provided the first simple and accurate test of a good apportionment; the resulting method is known as the method of equal proportions, which it is the purpose of this memorandum to explain.

In any practical case some disparities among the States are unavoidable. The problem is to make these disparities as small as possible. Now, the most natural way to measure the disparity between two States is to consider the population per Representative—that is, the size of the congressional district—in each State, and compare the two. Thus:

If the congressional district in one State is, say, 10 per cent larger than the congressional district in another State, then the "disparity" between the two States is said to be 10 per cent.

Examples 1 and 2 will make the process clear.

The method of equal proportions distributes the seats among the several States in such a way that any transfer of a seat from any State to any other State will be found to increase, rather than decrease, the disparity between the two States. In other words, an apportionment made according to the method of equal proportions is one which can not be "improved" by any shift in the assignment.

Example 3 is a simple numerical illustration of the application of this test.

This method was promptly approved by the advisory committee of the census, which held extensive hearings on the subject in 1921, at the request of Senator Sutherland, and published an elaborate report, which was unanimous. The method has since been indorsed by a general consensus of scientific opinion, and the technical details of the computation are well understood by the Bureau of the Census.

The contrast between the modern method of equal proportions and all the older methods is striking. In the older methods, the discussion was all about the technical details of the computation and little or no attention was paid to the fairness of the final result. The modern theory does away altogether with the endless disputes about "divisors" and "remainders" and "fractions," and proceeds at once to the direct comparison between the States. It is the only method which puts every State as nearly as possible on a parity with every other State as the Constitution requires.

#### EXAMPLE 1.—How to measure the "disparity" between two States

(The populations are given in round numbers to make the arithmetic easy; but State A may be thought of as Nebraska and State B as Oregon)

State	Population	Representatives	Congressional district
A.....	1,500,000	5	300,000
B.....	960,000	4	240,000

Dividing the greater by the less:  $\frac{300,000}{240,000} = 1.25$ .

Disparity, 25 per cent.

This means simply that the congressional district in one State exceeds the congressional district in the other state by 25 per cent.

#### EXAMPLE 2.—How to measure the "disparity" between two States

(In this example the populations are the same as in Example 1, but the assignment of Representatives has been changed from 5 and 4 to 6 and 3)

State	Population	Representatives	Congressional district
A.....	1,500,000	6	250,000
B.....	960,000	3	320,000

Dividing the greater by the less:  $\frac{320,000}{250,000} = 1.28$ .

Disparity, 28 per cent.

In this case the congressional district in one State exceeds the congressional district in the other State by 28 per cent.

#### EXAMPLE 3.—Which assignment is the better?

(This example is a comparison of the assignments proposed in Examples 1 and 2)

State	Population	First proposal	Second proposal
A.....	1,500,000	5	6
B.....	960,000	4	3
Disparity (per cent).....		25	28

Here the first proposal is obviously the more equitable.

#### EXAMPLE 4.—An actual case under the 1920 census

State	Population, 1920	HM	EP	MF
New York.....	10,380,589	41	42	43
Rhode Island.....	604,397	3	2	2
Vermont.....	352,428	2	2	1

  

Disparity	HM	EP	MF
Between New York and Rhode Island.....	Per cent 26	Per cent 22	Per cent 40
Between New York and Vermont.....		40	46

Here HM=Method of harmonic mean.  
EP=Method of equal proportions.  
MF=Method of major fractions.

#### CRITICISM OF THE METHOD OF MAJOR FRACTIONS

The method of major fractions, used in 1911, was the last of the cut-and-dry methods employed by Congress in the period before the modern theory became available. This is the method which the opponents of the method of equal proportions desire to retain.

The official description of the method of major fractions in the report of the House Committee on the Census (accompanying H. R. 11725) confines itself to the technical details of the computation and gives no clue whatever to the fairness or unfairness of the result.

Thus the arbitrary series of numbers,  $1\frac{1}{2}$ ,  $2\frac{1}{2}$ ,  $3\frac{1}{2}$ , etc., by which the population of each State is divided, has no discernible connection with the constitutional requirement of proportionality. Again the so-called "full quota," which is included in the process, bears no relation to the true "ratio of population to representatives," and is not in any sense the "standard size" of a congressional district.

The character of the actual result obtained by this process can be made clear, however, by a further consideration of the fundamental idea of the disparity between two States.

The disparity between two States as defined above is a relative difference, expressible at pleasure either in terms of the "congressional district" or in terms of the "individual share" (that is, the number of Representatives per inhabitant).

The opponents of the method of equal proportions contend, however, that the absolute difference should be used instead of the relative difference. There are two objections to this plan.

First, if the absolute difference is used, it becomes a difficult and complicated question to decide whether this difference shall be expressed in terms of the congressional district or in terms of the individual share. Although one of these ratios is merely the inverse of the other, yet, as the modern theory has shown, they lead to two distinct methods of apportionment, one called the method of the harmonic mean (HM), and the other the method of major fractions (MF). There is no mathematical reason for preferring one of these methods to the other.

Second, the absolute difference is not an appropriate quantity to use as a numerical measure of departure from proportionality, since it depends on the absolute size, instead of the relative size, of the two States compared; its use in this problem would be contrary to established scientific principles.

Neither of these objections applies to the method of equal proportions.

Finally, the modern theory has shown that whenever a transfer of a seat from one State to another is proposed, method MF tends to favor the larger, and method HM the smaller, of the two States, while the method of equal proportions occupies a neutral position between these conflicting methods, and has no bias in favor of either the larger or the smaller States. It should be noted in this connection that any State, large or small (omitting the few very small States and the one largest of all) may suffer a loss if either method MF or method HM is adopted; moreover, there are possible distributions of population for which the effect of a wrong choice of method would extend to over half the States in the Union.

#### COMPARISON OF VARIOUS METHODS OF MEASURING THE DISPARITY BETWEEN TWO STATES

(An actual case under the 1920 census)

Referring to the actual case shown in Example 4 above, the assignment of seats according to the method of equal proportions is 42 to New York, 2 to Rhode Island, and 2 to Vermont. Method HM would transfer one seat from New York to Rhode Island, while method MF would transfer one seat from Vermont to New York. The effect of each of these transfers is shown in the following tables:

#### EXAMPLE 5.—Disparity between New York and Rhode Island

State	Population, 1920	Method HM	Method EP	Remarks
New York.....	10,380,589	41	42	
Rhode Island.....	604,397	3	2	
Relative difference of congressional districts.....		26	22	A correct measure of disparity.
Relative difference of individual shares.....		26	22	Do.
Absolute difference of congressional districts.....		51,719	55,041	An unscientific measure.
Absolute difference of individual shares.....		0.000001014	0.000000737	Do.

This example shows that, according to three out of four of the proposed ways of measuring departure from proportionality, method HM is worse than method EP. To defend method HM, it would be necessary to hold that the "absolute difference between the congressional districts," which is known to be an unscientific measure of disparity, is the only one to be used.

EXAMPLE 6.—Disparity between New York and Vermont

State	Population, 1920	Method EP	Method MF	Remarks
New York	10,380,589	42	43	
Vermont	352,428	2	1	
Relative difference of congressional districts.....per cent.		40	46	A correct measure of disparity.
Relative difference of individual shares.....per cent.		40	46	Do.
Absolute difference of congressional districts.	70,943		111,019	An unscientific measure.
Absolute difference of individual shares.	0.000001629		0.000001305	Do.

This example shows that according to three out of four of the proposed ways of measuring departure from proportionality, method MF is worse than method EP. To defend method MF it would be necessary to hold that the "absolute difference between the individual shares," which is known to be an unscientific measure of disparity, is the only one to be used.

As to the technical details of the computation, all these methods are on the same level of complexity, but as to the actual results obtained, the method of equal proportions is by far the simplest.

E. V. HUNTINGTON.

HARVARD UNIVERSITY, February 2, 1929.

[Advance copy of a letter to the New York Times]

A MATHEMATICAL ERROR IN THE APPORTIONMENT BILL—THE SENATE'S OPPORTUNITY

JANUARY 27, 1929.

TO THE EDITOR OF THE NEW YORK TIMES:

In its anxiety to satisfy one provision of the Constitution, which requires a reapportionment of the House of Representatives every 10 years, Congress is in danger of overlooking another provision of the Constitution, which requires that the number of seats assigned to each State shall be proportional to the population.

The so-called "method of major fractions" embodied in the pending bill does not secure this proportionality. It is an obsolete method which has not received the indorsement of any scientific body. (The official description of the method, as given in the report of the House Committee on the Census, is a complicated arithmetical process involving the division of the population of each State by a series of arbitrary numbers,  $1\frac{1}{2}$ ,  $2\frac{1}{2}$ ,  $3\frac{1}{2}$ , etc., and giving no clue whatever to the fairness or unfairness of the results. The so-called "full quota" of a State, which is included in the process, bears no relation to the true ratio of population to Representatives, and is not in any sense the "standard size" of a congressional district.)

The mathematical fact is that if this obsolete method is adopted any State in the Union, whether large or small (with the single exception of the one largest State), may find itself deprived of a seat to which it is justly entitled; moreover, under quite possible distributions of population, the unfair effects of the method might extend to over half of the 48 States.

The only method which gives a fair and equitable apportionment—that is, the only method which puts every State as nearly as possible on a parity with every other State—is known as the method of equal proportions, which first became available in 1921. This method has received the unanimous indorsement of every scientific body which has examined it (including the advisory committee of the census). It does away with all the complexities of "quotients" and "remainders" which led to such unseemly "scrambles for fractions" at every reapportionment in the past.

The new method is based on a simple and direct comparison between every State and every other State. If the congressional district in one State is, say, 10 per cent larger than the congressional district in another State, then there is said to be a disparity of 10 per cent between the two States. The method of equal proportions guarantees that the unavoidable disparities remaining between two States can not be further reduced by any shift in the assignments to those States. Could any test be simpler or fairer than this? Any propagandist's attempt to obscure this common-sense idea behind a smoke screen of "quotients" and "fractions" and "divisors" entirely misrepresents the mathematical facts.

In past decades, the question of mathematical method has always been regarded as important. President Washington vetoed the first apportionment bill on mathematical grounds. Daniel Webster persuaded the Senate in 1832 to reverse the choice of method made by the House—though both the methods then in dispute are now known to be unsound.

In the case of the present bill, however, the House committee gave no consideration to the scientific question of method in its report. The wrong method slipped into the bill at the last moment by a sort of fluke, due to misinformation. (See *Science*, December 14, 1928.) The opportunity falls to the Senate, therefore, without endangering the passage of the bill, to rectify this mathematical error by inserting the one simple and equitable method of computation which is unanimously approved by the highest scientific authorities.

This is not a political question. The political question here involved (and one which is full of dynamite) concerns, of course, the fixation of the size of the House at 435 Members. Now, that that delicate political question appears to be settled, the remaining question of method is purely a matter of arithmetic. Who is there, in either the House or the Senate, who, if he knew the mathematical facts, would intentionally vote for an unfair method of computation?

EDWARD V. HUNTINGTON.

HARVARD UNIVERSITY, January 27, 1929.

[Reprinted from *Science*, December 14, 1928, vol. 48, No. 1772, pp. 579-582]

THE APPORTIONMENT SITUATION IN CONGRESS

The problem of reapportionment in Congress has two interesting aspects, one political and one scientific.

(1) On the political side an analysis of the vote on the latest reapportionment bill (H. R. 11725, May 18, 1928) shows that the defeat of the bill (186 to 164) was due mainly to the opposition of those States which expected to lose Representatives if the bill were passed.

There were 17 States which expected to lose one or more Representatives, namely, Alabama, Indiana (2), Iowa (2), Kansas, Kentucky (2), Louisiana, Maine, Massachusetts, Mississippi (2), Missouri (3), Nebraska, New York, North Dakota, Pennsylvania, Tennessee, Vermont, Virginia. Every one of these States, with the exception of Massachusetts and part of New York, voted against the bill; and the vote within each State delegation—excepting New York and Pennsylvania—was practically unanimous.

On the other hand, there were 11 States which expected to gain one or more Representatives, namely, Arizona, California (6), Connecticut, Florida, Michigan (4), New Jersey (2), North Carolina, Ohio (3), Oklahoma, Texas (2), Washington. Every one of these States voted in favor of the bill, the vote within each State delegation being again nearly unanimous.

The first group of 17 States controls 215 Members; the second group of 11 States controls 109 Members; so that in the two groups together about three-quarters of the House is accounted for. The remaining 20 States, controlling 111 Members, had nothing to lose or gain by the passage of the bill, and the votes from these States were about equally divided for and against.

It is obvious from this analysis that the political difficulties attending the passage of any reapportionment bill are very great. On the one hand, according to the population estimates for 1930, the only way to avoid loss to any State would be to increase the size of the House to something like 534 Members. On the other hand, any proposal to enlarge the House above its present size—435—is certain to meet determined opposition, both in and out of Congress.

(2) On the scientific side, there is the question as to the choice of the best method of computation. This scientific aspect of the problem is surprisingly closely related to the political aspect, as the following brief sketch of recent history will show.

The apparently simple arithmetical problem of computing the proper assignment of a specified number of Representatives to the several States in proportion to their populations was an unsolved problem for over a hundred years. Up to 1921, no scientific tests of a good apportionment were known; a variety of empirical methods were tried and later discarded, and the decennial debates in Congress were often bitter. Since 1921, however, a series of scientific papers—the latest appearing in the *Transactions of the American Mathematical Society* for January, 1928—has provided a complete mathematical analysis of the problem. It is now known that among all the possible methods, the method of equal proportions is the only one which satisfies the very obvious test of making both the ratio of population to Representatives and the ratio of Representatives to population as nearly as possible the same in all the States; furthermore, it has been mathematically demonstrated that this is the only method which has no bias in favor of either the larger or the smaller States.

On these accounts the method of equal proportions was promptly indorsed in 1921 by a unanimous report of the Census Advisory Committee—published in the *Journal of the American Statistical Association* for September, 1921, and reprinted in the hearings before the House Committee on the Census for both 1927 and 1928—and was later approved by a general consensus of scientific opinion. This was the method specified in the only apportionment bill that came to a vote in the House in 1927 (H. R. 17738, by Mr. FENN, March 3, 1927); although this bill was defeated by 199 to 187, the debate on the floor of the House showed that the defeat was due entirely to political causes; no objection whatever was raised against the choice of method. Also the method

of equal proportions was the only method mentioned in the bills introduced in the House in the early part of the winter 1927-28 (H. R. 130, by Mr. FENN; H. R. 209, by Mr. McLEOD; H. R. 5519, by Mr. CRAIL; H. R. 10963, by Mr. Jacobstein). In all these bills the method of equal proportions was accepted without question as the standard method.

In February, 1928, however, Prof. W. F. Willcox appeared before the House Committee on the Census and urged "amending the bills by changing the method specified in them from the method of equal proportions to the method of major fractions"—hearings, February 21, 1928, page 88. In this he was entirely successful, and the bill (H. R. 11725) finally reported by the committee on April 4 specified the method of major fractions, on the ground that this method had been used once before in 1911, and that a similar method had been used in 1840.

This eleventh-hour change from the scientific method of equal proportions to the method of major fractions proved to be a distinct hindrance to the passage of the bill, as is shown by a study of the debate on the floor of the House. (See the CONGRESSIONAL RECORD for May 17 and 18, 1928.)

Many protests were voiced against the method of major fractions on the ground that it was unfair to the smaller States; on the other hand, no arguments were brought up against the method of equal proportions except that it was new. In fact, the chief spokesman for the committee stated that he would be quite willing to vote for a bill specifying the method of equal proportions, and others made it clear that the committee as a whole had no real objection to that method. There was so much feeling on the matter that an amendment was introduced, to reinstate the method of equal proportions; although the amendment failed, as any such amendment would be expected to fail at such short notice, it is significant that anyone should have taken the trouble to present the amendment at all. The whole debate made it clear that Congress was thoroughly aroused to the importance of the question of method—which might easily affect half the States in the Union—and was in no mood to accept any method which could not be defended as scientifically fair to all the States. While the choice of the unscientific method of major fractions was probably not the determining cause of the defeat of the bill, it certainly added appreciably to the political difficulties which the bill had to face.

(3) The method of equal proportions provides for the first time a direct and simple test of the fairness of any given apportionment; this may be easily explained, as follows:

In a theoretically perfect apportionment the congressional district—that is, the population per Representative—in any State A would be exactly equal to the congressional district in any other State B. If in an actual case the congressional district in State A is found to be greater than the congressional district in State B by 10 per cent—say, 220,000 against 200,000—then the "disparity" between the two States is said to be 10 per cent. Suppose in this case that a transfer of a Representative is made from one State to the other; if after the transfer the "disparity" between the States is found to be only 8 per cent, then the apportionment is said to be "improved" by the transfer. This test can be directly applied to settle any dispute between any State and any other State, the only data required being the populations of the two States directly concerned and the number of Representatives assigned to each.

A good apportionment, according to the method of equal proportions, is simply an apportionment which can not be further "improved" (in this sense) by any transfer from any State to any other State; in other words, if any transfer were to be made from any State to any other State the "disparity" between the two States, measured as above, would be made worse instead of better by the change. (It is interesting to note that in measuring the "disparity" between two States the concept of "the population per Representative," which was used above, may be replaced, if preferred, by the concept of "the number of Representatives per unit population"; the resulting apportionment will be precisely the same. The method of equal proportions may therefore be described as the method which makes both the ratio of population to Representatives and the ratio of Representatives to population as nearly as possible the same in all the States. It is difficult to see how anything more could be done in the way of satisfying the constitutional requirement of proportionality between Representatives and population among the several States.)

The modern mathematical theory has shown that, for any given size of the House (say 435) and any given populations of the States (say the 1930 census), an apportionment can always be found which will satisfy this test with respect to every pair of States. It is not necessary, however, to go through the labor of applying the test to every pair of States separately, since the theory has also supplied a short-cut process of computation which is guaranteed to produce the desired result. This technical process of computation is well known to the computers in the Bureau of the Census (Transactions, p. 88); but no matter how a proposed apportionment has been computed, the result can be checked up, in case of any dispute, by a direct application of the test. (In regard to the method of major fractions, on the other hand, the modern theory has shown that this method can not be properly understood except in conjunction with a precisely analogous

method known as the method of the harmonic mean (Transactions, p. 91). The method of major fractions has a distinct bias in favor of the larger States, while the method of the harmonic mean has a similar bias in favor of the smaller States. Between these two methods stands the method of equal proportions, which has been mathematically shown to have no bias in favor of either the larger or the smaller States.)

(4) One feature of the debate is of special interest to students of constitutional history. In his testimony before the House committee (p. 88) Professor Willcox admitted that "a large majority of mathematicians and statisticians are on record in favor of the method of equal proportions"; but he insisted that the problem was properly a constitutional question rather than a mathematical one, and suggested that it be referred to the American Political Science Association for consideration and report (Hearings, pp. 49, 88, 89). This suggestion, which was heartily indorsed by the present writer (Science, May 18), did not lead to any result, since the association "has the feeling that it ought not to undertake to decide a question of this sort" and has therefore taken no action (according to a letter from the secretary, dated September 26, 1928).

Indeed it is hard to see what light the early history of the Constitution can throw on the present-day problem, beyond the obvious fact that the present provisions of the Constitution require that the number of Representatives assigned to each State shall be proportional, as nearly as may be, to the population of that State (with the proviso that each State shall have at least one Representative). There appears to be no dispute on this point. The only question is, What method of computation comes nearest to satisfying this requirement of proportionality? This is a purely mathematical question, important facts about which were not known until 1921. Certainly the "framers of the Constitution" had no idea of the mathematical pitfalls that surround the whole question; and any discussion of methods of apportionment which does not take account of the clarification introduced by the modern theory is futile.

It is particularly unfortunate that many influential statements that appear in the printed hearings before the House Committee on the Census (February 21, 1928) as representing the opinion of a selected group of political scientists are directly at variance with known mathematical facts. These hearings are constantly quoted in the congressional debates, and serious errors therein, if uncorrected, will be a source of confusion to future students of the problem, both in and out of Congress. (For example, on page 63 we find the following statement, which is intended to show that the method of equal proportions is unduly favorable to the smaller States: "Inevitably, inherently, in the method of equal proportions, the average population of a congressional district in a group of small States is less than the average population of a congressional district in the very large States." This statement (which would be important if true) is mathematically false, as can readily be proved by numerical examples (Transactions, p. 95, Ex. 3, or p. 103, Ex. 11). Again, the new method of minimum range, which was suggested to the committee by Professor Willcox (hearings, pp. 61, 76, 77), and was actually incorporated in a bill (H. R. 10883, February 13, 1928), has brought much confusion into the debate. The process of computation described for this method does not satisfy the test set up; and the test itself involves the defect known as the Alabama paradox. (A numerical example to show this is the apportionment of 16 or 17 Representatives among three States with populations 726, 539, and 335.) It should be noted also that in the able discussion on pages 91 and 93 of the hearings the term "method of minimum range" is inadvertently used where the term "method of the harmonic mean" is intended. Again, the description of the method of equal proportions given on pages 61 and 62 of the hearings is wholly wrong (see Science, May 18 and June 8), and the alternative test proposed on pages 62, 67, 77, 79, 88, etc., is mathematically ambiguous and hence unworkable (Transactions, p. 96, Ex. 7). The explicit statement on page 88, claiming that the method of major fractions is the only one which "makes the average population of congressional districts in small, medium, and large States as nearly as Congress can make it the same," is mathematically erroneous, as can be shown by well-known examples (Transactions, p. 92). In fact, one of the main objections to the method of major fractions is that it fails to equalize, in any sense whatever, the congressional districts in the several States.)

The appearance of such misstatements as these in a permanent public document gives Congress a discouraging idea of the value of scientific methods. However widely scholars may differ on political questions, they surely should be able to present a united front on questions of arithmetic. In the presence of this apparent conflict of opinion, it would seem appropriate for any Member of Congress to request a report on the mathematical facts from the National Academy of Science—which is the body legally appointed to advise Congress on all scientific questions. The modern analysis has given a complete list of all the methods which might be said to satisfy, in any sense, the constitutional requirement of proportionality. Congress, and Congress alone, must make the choice between these possible methods; but all Congressmen are desirous of having accurate information on which

an intelligent choice can be based; and an authoritative report from the National Academy of Sciences would provide exactly this information without in any way limiting freedom of action.

EDWARD V. HUNTINGTON.

HARVARD UNIVERSITY.

FEBRUARY 6, 1929.

#### HOW TO MEASURE DEPARTURE FROM PROPORTIONALITY

The Constitution requires that Representatives shall be assigned to the several States in proportion to population. In practice a certain departure from exact proportionality is unavoidable. The mathematical problem is: How shall this departure from proportionality be measured?

In a theoretically perfect apportionment each Member would represent the same number of inhabitants, whether he comes from one State or from another. That is, the size of the congressional district in one State ought, theoretically, to be equal to the size of the congressional district in every other State. Hence the deviation from equality between the congressional districts (which has always been the item most eagerly scanned by Congress in every reapportionment) is a natural and suitable measure of the departure from proportionality.

One question, however, must be answered—Shall this deviation from equality between the congressional districts be computed on a relative basis or on an absolute basis? Common sense and general scientific usage indicate that the relative basis is to be preferred.

For example, consider the following concrete case in which the population of each State has increased tenfold from 1800 to 1900, while the number of Representatives assigned to each has remained unchanged:

State	Population, 1800	Representatives	Population, 1900	Representatives
A	150,000	5	1,500,000	5
B	90,000	4	900,000	4
Relative difference of congressional districts per cent.	25		25	
Absolute difference of congressional districts.	6,000		60,000	

1. If the relative difference is used the departure from proportionality is expressed by the same number, 25 per cent, at each date. This correctly expresses the fact that the relative voting strength of the two States is the same in 1900 as it was in 1800.

2. If the absolute difference is used the departure from proportionality is expressed by the number 6,000 in one case and 60,000 in the other case, which makes it appear that the inequality between the two States is ten times worse in 1900 than it was in 1800. This result is repugnant to common sense.

3. These two ways of measuring the departure from proportionality between two States lead directly to two different methods of apportionment. The first, or relative basis, leads to the method of equal proportions. The second, or absolute basis, leads to the method of the harmonic mean.

4. The so-called method of major fractions can not be defended on either basis.

This is not a question of constitutional interpretation. It is simply a mathematical fact that the method of major fractions makes no attempt to equalize the congressional districts among the several States on any basis whatever.

On either basis above described the method of equal proportions will give a better result than the method of major fractions.

EDWARD V. HUNTINGTON.

HARVARD UNIVERSITY,

Cambridge, Mass., 48 Highland Street.

#### REPORT TO THE PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES

The committee appointed by you, in response to the request of the Speaker of the House of Representatives for information regarding the mathematical aspects of the problem of reapportionment, submits the following report:

The Constitution provides that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. \* \* \* But each State shall have at least one representative."

If fractional voting were permitted in the House of Representatives the exact number of Representatives with whole votes and the size of the fractional vote for an additional Representative to which each State would be entitled in a theoretically perfect apportionment could be readily calculated. It would only be necessary to work out the following proportion: The number of votes for any particular State is to the total number of votes for all States as the population of the particular State is to the total population of all States.

If, however, this simple proportionality were calculated it would result in nearly all cases that the number of Representatives for each particular State would consist of a whole number and a fraction, as, for example, 7.3. Fractional voting is not permitted. Therefore it is necessary to reach a solution of the apportionment problem in whole numbers. This fact alters the mathematical nature of the problem fundamentally. Even when the exact number of votes, including fractions, belonging theoretically to each State is precisely known, this knowledge is not of itself sufficient to determine the proper number of representatives to be apportioned to that State. The proper apportionment of integral numbers of Representatives to a particular State may differ by several units from the number obtained by simple proportion. This is true regardless of which of the several known methods of apportionment described below is adopted.

The problem of apportionment which has been thus described is a problem in applied mathematics. It should be understood that frequently a problem in applied mathematics may have no unique solution for the reason that the data initially given do not completely characterize the solution mathematically. In such cases a solution must be chosen for other than mathematical reasons among those which are mathematically possible.

There are five methods of apportionment now known which are unambiguous—that is, lead to a workable solution—and should be considered at this time.

These five methods are:

- Method of smallest divisors.
- Method of the harmonic mean.
- Method of equal proportions.
- Method of major fractions.
- Method of greatest divisors.

In the present state of knowledge your committee regards these as the only methods of apportionment avoiding the so-called Alabama paradox which require consideration at this time. Their effectiveness is based upon a mathematical test which will be described below. Another method of approach to the apportionment problem may be based upon the adjustment by some method of curve fitting—as, for example, the method of least squares—of representation to the population of the country as a whole, but in the opinion of your committee the methods of this type so far proposed, which do not lead to solutions among the five listed above, fail.

After full consideration of these various methods your committee is of the opinion that, on mathematical grounds, the method of equal proportions is the method to be preferred. Each of the other four methods listed is, however, consistent with itself and unambiguous.

The essential mathematical characteristics of the five methods are as follows:

Let the population of a State A and the number of Representatives assigned to it according to a selected method of apportionment be  $a$ , and let  $B$  and  $b$  represent the corresponding numbers for a second State. Under an ideal apportionment the population  $A/a$ ,  $B/b$  of the congressional districts in the two States should be equal, as well as the numbers  $a/A$ ,  $b/B$  of Representatives per person in each State. In practice it is impossible to bring this desirable result about for all pairs of States.

In the opinion of this committee, the best test of a desirable apportionment so far proposed is the following:

An apportionment of Representatives to the various States, when the total number of Representatives is fixed, is mathematically satisfactory if for every pair of States the discrepancy between the numbers  $A/a$  and  $B/b$  can not be decreased by assigning one more Representative to the State A and one fewer to the State B or vice versa, or if the two numbers  $a/A$  and  $b/B$  have the same property.

For the purposes of discussion let  $A/a$  be larger than  $B/b$  so that the State A is underrepresented as compared with B. If the discrepancy between  $A/a$  and  $B/b$  is defined to be the percentage discrepancy, that is, the difference  $A/a - B/b$  divided by the smaller  $B/b$  of the two numbers  $A/a$ ,  $B/b$ , and if the discrepancy between  $b/B$  and  $a/A$  is measured in the same way, the test above leads to an apportionment which satisfies the test when applied to either the pair  $A/a$ ,  $B/b$ , or the pair  $a/A$ ,  $b/B$ . The method so determined has been called the "method of equal proportions."

If the test is applied only to the pair  $a/A$ ,  $b/B$ , and if the discrepancy between these numbers is interpreted to be the absolute difference  $b/B - a/A$ , another method of apportionment called the "method of major fractions" is uniquely determined. If, on the other hand, the test is applied only to the absolute difference of the pair  $A/a$ ,  $B/b$ , a third method called the "method of the harmonic mean" is similarly defined.

It has been shown that there are two further methods of apportionment determined by the test set down above when applied to the differences  $b - aB/A$ ,  $bA/B - a$ . There are called, respectively, the "method of smallest divisors" and the "method of greatest divisors."

The methods thus briefly characterized mathematically are the five methods in the list above. Each method in the list favors the larger States as compared with the methods which precede it. This means in the case of the second and fourth methods, for example, that if for two

unequal States *A*, *B*, the fourth method assigns more Representatives to *A* and fewer to *B* than the second method, then the State *A* is the larger of *A* and *B*.

The method of the harmonic mean and the method of major fractions are symmetrically situated on the list. Mathematically there is no reason for choosing between them. A similar symmetry exists for the methods of smallest and greatest divisors for which the defining discrepancies seem, however, more artificial than those for any one of the other three methods.

The method of equal proportions is preferred by the committee because it satisfies the test proposed above when applied either to sizes of congressional districts or to numbers of Representatives per person, and because it occupies mathematically a neutral position with respect to emphasis on larger and smaller States.

G. A. BLISS,  
E. W. BROWN,  
L. P. EISENHART,  
RAYMOND PEARL, *Chairman*.

FEBRUARY 4, 1929.

#### CALL OF THE ROLL

Mr. FESS. Mr. President, I now renew my suggestion of the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Kendrick	Sheppard
Ashurst	Fletcher	King	Simmons
Barkley	Frazier	La Follette	Smith
Bingham	George	McKellar	Smoot
Black	Gillett	McMaster	Steck
Blaine	Glass	McNary	Steiwer
Blease	Glenn	Metcalf	Stephens
Borah	Goldsborough	Moses	Swanson
Brookhart	Greene	Norbeck	Thomas, Idaho
Broussard	Hale	Norris	Thomas, Okla.
Burton	Harris	Nye	Townsend
Capper	Harrison	Oddie	Trammell
Caraway	Hatfield	Overman	Tydings
Connally	Hawes	Patterson	Vandenberg
Copeland	Hayden	Phipps	Wagner
Couzens	Hebert	Pittman	Walcott
Cutting	Heflin	Ransdell	Walsh, Mass.
Dale	Howell	Reed	Walsh, Mont.
Deneen	Johnson	Robinson, Ind.	Warren
Dill	Jones	Sackett	Waterman
Edge	Kean	Schall	Watson

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

#### "WHY IS MOONEY IN PRISON?"

Mr. WALSH of Massachusetts. Mr. President, I ask to have inserted and printed in the CONGRESSIONAL RECORD an article by Senator THOMAS D. SCHALL, of Minnesota, published in the May number of Plain Talk, entitled "Why is Mooney in Prison?"

Many people interested in this celebrated case think this statement of Senator SCHALL is the most convincing and best that has been made.

I make this request at the suggestion of a very representative group of public-spirited citizens who believe in the innocence of Mooney and are seeking his release from prison.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

#### WHY IS MOONEY IN PRISON?

By Senator THOMAS D. SCHALL, of Minnesota

(The judge who sentenced Tom Mooney and Warren K. Billings has several times asked for a retrial, because he is convinced that Mooney has served 13 years in prison for a crime he did not commit. Ten of the Mooney jurors are alive, and they all think their verdict was wrong. The attorney general of California, the assistant district attorney who prosecuted the men, two captains of police who prepared evidence against them, all think an injustice has been done. Witnesses against them are known to have been perjured. President Wilson saved the men from the sentence of death. But successive Governors of California have refused pardon. Why? Senator SCHALL, a Republican, a preparedness advocate, opposed in thought to Mooney and Billings, here presents a fine and powerful plea against their unjust incarceration.)

Our Government is founded on law. If law is to be respected, it must deal out even-handed justice. No government can long endure if any considerable proportion of its people have reason to feel that the courts are corrupt, that decisions are dispensed according to class distinctions, or that the humblest, most despised citizen can be wrongfully deprived of property or personal liberty. The whole fabric of orderly society depends upon the people having absolute confidence in the integrity of our courts.

Nothing will destroy public confidence in our judicial system more swiftly or more surely than the belief that men can be convicted on framed-up evidence and then be denied redress because they may subscribe to unpopular political opinions. Such a belief strikes at the very

foundations of good government and does more to injure the cause of law and order than could any amount of radical agitation.

In making the foregoing generalizations, with which every right-thinking person will instantly agree, I specifically have in mind Tom Mooney and Warren K. Billings, who have been kept in prison nearly 13 years by the State of California for alleged complicity in the explosion of a bomb during a Preparedness Day parade in San Francisco on July 22, 1916, although the judge who sentenced Mooney, all 10 of the surviving jurors who originally declared him guilty, the assistant district attorney who helped conduct their trials, two captains of police who prepared the evidence, and the attorney general of the State of California have all vainly petitioned for their pardon on the grounds that both men were convicted on testimony afterwards proved to have been perjured and that they are wholly innocent of the crime for which they are serving life sentences.

The case attained world-wide prominence during the war, when there were such vigorous protests by organized labor at home and abroad that in the interests of allied harmony President Wilson took steps to halt the execution of Mooney, whose death sentence was then commuted to life imprisonment. Recently interest in the case has been revived by the formation of a committee of nationally prominent men and women who believe that Billings and Mooney are guiltless. As stated in a preceding paragraph, this view seems to be shared by judge, jurors, and practically all the officials who participated in the trials 13 years ago.

Writing to Gov. C. C. Young, of California, on January 20, 1928, Judge Franklin A. Griffin, of department five of the Superior Court of California, the same judge who originally sentenced Mooney to death, pleaded for the fourth time for Mooney's pardon and declared that "in my opinion Mooney's case is no different from any other man who has been wrongfully and upon perjured testimony convicted of a crime of which subsequent developments absolutely demonstrate his innocence."

This is strong language coming as it does from the trial judge who should be in better position than any other one person to determine the guilt or innocence of Mooney, but, I believe, it is amply justified; for, after having had read to me extracts from the testimony at the trials, certain affidavits and letters from the most important witnesses, and the history of events leading up to the arrest of Mooney and Billings, I have become convinced that both are the victims of a frightful miscarriage of justice. When all the circumstances are known it seems almost incredible that they were not pardoned or granted new trials long ago.

President Wilson intervened in the case about a year subsequent to Mooney's sentencing, and urged Governor Stephens, of California, to grant a new trial after a Federal mediation commission had made an exhaustive investigation, which clearly indicated both men had been unfairly convicted. Members of this Federal mediation board were Secretary of Labor William B. Wilson; John F. Spangler, of Pennsylvania; Verner Z. Reed, of Colorado; John H. Walker, of Illinois; E. P. Marsh, of Washington; and Felix Frankfurter, of Massachusetts. All of them are reputable men, presumably without prejudice, and after a careful investigation they flatly declared that "the verdict against Mooney was discredited."

Later another investigation was conducted by J. B. Densmore, Director of the Federal Employment Service, who planted a dictograph in the office of District Attorney C. M. Fickert and obtained some startling evidence. In his report to Secretary of Labor Wilson, embodied in House of Representatives Document No. 157, Sixty-sixth Congress, Mr. Densmore states:

"There is little left of the district attorney's case against the Mooney defendants save an unsavory record of manipulation and perjury \* \* \*."

"So thoroughly have the principal witnesses for the prosecution been discredited that practically all of them have in effect confessed their several parts of the frame-up, leaving little for the investigator to look into beyond a few questions of motive and modus operandi."

"The basic motive underlying all the arts of the prosecution springs from a determination on the part of certain employer interests in the city of San Francisco to conduct their various business enterprises upon the principle of the open shop. There has been no other motive worth talking about."

"As for their plan of operations it was simplicity itself. A terrible crime had been committed and popular indignation and horror everywhere glowed at fever heat. From the standpoint of the unscrupulous element among the employer interests the opportunity seemed made to order. To blame the outrage on certain agitators in the labor world seemed not only possible, but, owing to various concomitant plausibilities, doubtless appealed to the foes of organized labor as possessing all the elements of a stroke of genius."

Since Mr. Densmore's unequivocal charge that Billings and Mooney were convicted as "the result of a corrupt conspiracy," State and national conventions of labor unions have passed many resolutions urging the release of the men, thousands of prominent citizens have asked for their pardon, and two of the leading dailies of San Francisco have repeatedly conceded their innocence. Despite these appeals, three governors of California have successively declined to release them,

although it is difficult for me to comprehend how any open-minded person can study the history of these cases without coming to the inescapable conclusion that Mooney and Billings were sent to the penitentiary and are kept in the penitentiary solely because their radical labor devices aroused the savage animosity of certain powerful employers in San Francisco.

Personally I have not the slightest sympathy with the radical views these men were said to express, and my whole record shows me an advocate of preparedness; but I am vitally concerned with the cause of justice, and I feel these men were unfairly convicted on perjured testimony at a time when passion ran high and popular prejudice against them was intense. If they committed any overt acts or advised violence in strikes, they should have been punished according to law, but it is a monstrous perversion of justice if these men have been imprisoned for life for a crime they did not commit.

My study of the case has convinced me of their innocence, and therefore I deem it my duty—and the duty of every other good American—to protest until the pressure of public opinion persuades the Governor of California to right this tragic wrong, which already has weakened the faith of millions of men in the processes of orderly government.

Perhaps I feel the more strongly on this matter because of an experience of my own which may convince some skeptical people that political frame-ups actually do occur.

Some years ago I introduced a resolution in Congress which compelled a certain multi-millionaire Minnesota lumberman to pay into the United States Treasury \$3,218,000 in back taxes. Since then he has instigated and financed two trumped-up suits to contest my seat in the United States Senate, and only a year ago engineered another investigation before the Minnesota Legislature. I am well within the record when I state that purchased evidence was concocted in an effort to discredit me and bring about my political ruin.

The plot was well laid, but when one of the conspirators was suddenly taken ill and believed himself on his deathbed he confessed his part in the whole dastardly scheme of perjury. Thereupon I was unanimously cleared by the investigating committee; but the dramatic eleventh-hour confession was the turning-point of the hearing. When efforts are thus boldly made to frame-up a Member of the United States Senate, how much easier would it be to railroad two radical labor leaders in a period of public hysteria.

To fully understand the Mooney case, it is essential to know about the bitter industrial and political conflict which raged in San Francisco for a decade before the preparedness day bombing.

Prior to the earthquake in 1906 control of the United Railroads Co. (the corporation operating the San Francisco street-car system) was purchased by Patrick Calhoun and a group of associates. To increase profits they immediately applied for permission to change from underground cables to the cheaper but more dangerous overhead trolleys. There was vehement objection to this, both by the San Francisco public and by the city officials.

After the earthquake and fire of 1906, which laid a great proportion of the city in ruins, an emergency was declared to exist, and the United Railroads Co. was granted temporary permission to operate overhead trolleys on certain streets. Later the board of supervisors passed an ordinance permitting permanent installation of overhead trolleys throughout the entire system. Investigation proved that this ordinance had been passed as the result of wholesale bribery. No less than \$200,000 was paid to various supervisors. Abe Ruef, the fixer who handled the slush fund, was convicted and sentenced to a long term in prison. Indictments were returned against Patrick Calhoun, his personal attorney, T. L. Ford, and a number of other wealthy "higher ups."

Francis J. Heney, the militant special prosecutor who handled the graft cases, was shot down in open court. His assailant was found dead in jail the following day. Police gave out that he had committed suicide by shooting but never satisfactorily explained how the revolver came to be in his possession.

Although at the point of death for several weeks, Mr. Heney went on with the graft case after his partial recovery. Patrick Calhoun was brought to trial, and James Gallagher, a city supervisor, was expected to give vital testimony connecting him with the corruption.

The night before Gallagher was to take the witness stand his house was wrecked by an explosion of dynamite, which narrowly escaped killing Gallagher and his entire family. This was the first time that dynamite had been used in an industrial and political dispute in San Francisco. Responsibility for this bombing never was fixed.

Before Calhoun could be tried a second time the term of the district attorney expired, and Mr. Heney became a candidate to succeed him. The United Railroads and nearly every other public-service corporation in the city got behind C. M. Fickert, his opponent. Heney was defeated after a bitter campaign, which was complicated by a street-car strike. William J. Burns publicly stated during the campaign that United Railroads' employees wrecked their own cars and incited riots to arouse the public against the strikers and thus turn sentiment against Heney.

Fickert was elected, and his first official act was to dismiss the graft indictments against Patrick Calhoun and his wealthy associates.

Mooney first appears on the scene in 1913, when a strike was called among the employees of the Pacific Gas & Electric Co., a concern affiliated with the United Railroads. Mooney and Billings were active in organizing the strikers. Both were arrested, charged with having possession of explosives contrary to law.

Billings was convicted on the charge of carrying explosives on a street car and sentenced to Folsom Prison for two years. Mooney was indicted in Contra Costa County on the testimony of two detectives in the pay of the Pacific Gas & Electric Co., who said that after Mooney's arrest they found firearms and dynamite in a boat that he owned. The regular police officer who arrested Mooney searched the boat at the time and swore he found neither explosives nor weapons. Mooney was brought to trial three times on this charge and three juries turned him loose.

A year later, in 1914, two private detectives were arrested at Stockton, Calif., where a strike was in progress, with a suitcase full of dynamite in their possession. They confessed they had been employed by a man named Broken, of the Merchants & Manufacturers Association, to plant the dynamite so as to implicate the leaders of the strikers. Tom Mooney and Ed Nolan were the men who uncovered this conspiracy, and in so doing they incurred the enmity of the lawless elements who were trying to smash organized labor in California.

Early in 1916 the longshoremen and the culinary craftsmen of San Francisco called a strike, and soon afterwards the San Francisco Chamber of Commerce formed a "law and order committee," raised a million-dollar campaign fund, and broadcast its determination to smash union labor and make San Francisco an open-shop town. At the organization meeting a declaration that "the hospitals should be filled with union pickets" was loudly applauded.

Attorneys and press agents were retained, and private detectives, "strong-arm men," and strike breakers were brought in. Several union strikers were killed by armed thugs imported by the "law and order committee," and it was proved in open court that their sluggers were committing crimes of violence in the effort to goad the union men into reprisals, which the police could crush.

Labor met the challenge of the employers by attempting to organize the nonunion workers. In the spring of 1916 Mooney, always active in the molders' union, was authorized by the Amalgamated Association of Street Railway Employees, a conservative union affiliated with the American Federation of Labor, to organize the platform men of the United Railroads. Mooney plunged into this work, and on the night of June 10, 1916, addressed a meeting of street-car men.

Before this meeting was held printed notices had been posted in all car barns stating that a "dynamiter named Mooney" was known to be trying to form a union, and threatening that any United Railroads' employee seen speaking to him would be instantly discharged.

At 3 o'clock in the morning of June 11, only a few hours after Mooney had spoken at the organization meeting, some towers about 10 miles south of San Francisco, which carried the electric cables that supplied the United Railroads with power, were damaged by dynamite.

Two days later Mooney called a strike of all motormen and conductors on the United Railroads system. Some of the workers responded, but traffic was only temporarily tied up and the strike was a failure. Mooney and his wife were both arrested on June 13 for distributing handbills announcing the strike.

Some days after the explosion damaged the electric-power towers, a private detective named Martin Swanson, employed by the San Francisco public utilities "protective association," approached Billings (who only recently had been released from Folsom Prison) and Israel Weinberg, a jitney-bus driver, and tried to persuade them to aid him in fastening the crime on Mooney.

Swanson, in later visits, promised Weinberg the \$5,000 reward which had been offered for information leading to the conviction of the person dynamiting the towers, if he would implicate Mooney. Weinberg said he knew nothing about the case. The detective boasted of his influence and threatened to have Weinberg's auto license taken away. This was on July 17.

On July 18 Swanson hunted up Billings, showed him a notice of the reward, stated a job was waiting for him with the gas company, and then said he wanted to pin the dynamiting of the towers on Mooney. Billings immediately warned Mooney that the private detective was trying to frame him.

Four days later, July 22, 1916, a bomb exploded near Market and Steuart Streets while a "preparedness parade" was passing, killing 9 persons and wounding 40 more. Among the innocent victims were several women and children. This dastardly and indefensible crime naturally fired public indignation, and press and pulpit demanded the speedy arrest of the perpetrators. Rewards totaling many thousands of dollars were offered for evidence leading to the conviction of those responsible for the blast.

A few hours after the explosion Martin Swanson quit the public service "protective association" and went to work for District Attorney Fickert. Swanson immediately was placed in charge of the so-called

bomb investigation; and from that minute the sole purpose of the district attorney's office and the swarm of private detectives was to fasten the crime on Tom Mooney.

The testimony of six persons who said they had seen a swarthy man hurl a bomb from a building along the line of march was ignored; and no attempt was made to trace the authors of several threatening letters which predicted something would happen which would "echo around the world" when the preparedness day parade was held. Mooney long had been the storm center of the radical labor movement in San Francisco, and Swanson now had his long-awaited opportunity to frame him at a time when he had a compliant tool in the prosecuting attorney and the public was in a vengeful, uncritical mood. Four days after the preparedness day bomb exploded Tom Mooney, his wife Mrs. Rena Mooney, Warren K. Billings and Israel Weinberg and Edward D. Nolan, president elect of Machinist Lodge No. 68, were arrested and charged with first-degree murder.

Nolan had been active as a picket captain in several strikes and had helped Mooney expose the attempted dynamite plot on the part of the Merchants' & Manufacturers' detectives at Stockton two years before. He was held in prison for nine months without a hearing and then released on bail. Later the charge against him was dismissed without ever having brought him to trial.

Billings probably was indicted not only because of his radical activities but because his previous conviction for possessing dynamite would be certain to prejudice the public and lend probability to the alleged plot. It also must be remembered that his indictment would tend to discredit his testimony that Detective Swanson had tried to "frame up" Mooney on another explosion prior to preparedness day.

Weinberg did not even know his codefendants, Billings and Nolan. Weinberg's little son took music lessons from Mrs. Mooney and he had driven them around town in his jitney on several occasions. There never was the slightest evidence connecting him with the explosion, and after he had been held in prison more than a year, his business ruined, his savings spent, and his health impaired, on October 27, 1917, he was acquitted by a jury which deliberated only three minutes.

Mrs. Mooney, who had helped her husband organize the street-car strike and was thoroughly sympathetic with his radical views, was held in jail for more than a year on cash bail so excessive that her friends could not raise it (the court refused to accept Liberty bonds), and was acquitted by a jury July 26, 1917.

Billings was brought to trial in September, 1916, less than two months after the bombing and when public opinion was still at fever heat. District Attorney Fickert, ably abetted by the "law and order" committee of the chamber of commerce, had issued inflammatory statements intended to arouse prejudice against the defendants and to create a widespread conviction of their guilt.

Tempted by large rewards, hundreds of persons had called at the police stations and district attorney's office in the hope that they might identify the defendants; and it is significant that in order to build up his case Fickert was forced to select a professional perjurer, an admitted dope fiend, a woman of the underworld, a man formerly convicted of petty larceny, and two other women who obviously were neurotics and of questionable veracity.

It was the theory of the prosecution that the defendants had at first intended to throw the bomb from the roof of a building at 721 Market Street; that they had changed their minds when it appeared that the United Railroads division of marchers would not pass this point before the bomb was due to explode; that the defendants then had proceeded down Market Street to the intersection of Steuart Street (a distance of 4,000 feet), where they deposited the suit case containing the bomb, and fled.

Estelle Smith, admittedly a woman of the underworld; her mother, Mrs. Alice Kidwell; and Louis Rominger, who lived with Mrs. Kidwell; all swore to seeing Billings at 721 Market Street, which happened to be conveniently located to where these three prospective witnesses resided. In testifying before the grand jury they said that Billings, carrying a suitcase or camera, came up to their apartments and asked permission to go up on the roof, ostensibly to take some pictures. Later he came down from the roof, according to their testimony, and after a conversation lasting for some 15 minutes, descended the stairs and joined the Mooneys on the sidewalk; and then they had all driven south along Market Street in Weinberg's jitney toward the scene of the explosion.

Mrs. Kidwell fixed the time of seeing the Mooneys by the fact that she had leaned out of the window to wave at some troops that were passing; and Estelle Smith likewise fixed the time of her alleged 15-minute conversation with Billings as after she had waved a towel at Mayor Rolph.

And now—here is, perhaps, the reason these two women testified as they did: Estelle Smith's uncle, who had been convicted of murder and sentenced to 12 years in the penitentiary, received commutation of his sentence shortly after the trial, when only a third of his sentence had been served. And a letter from Mrs. Kidwell to her husband, who then was in the penitentiary, told him at the time she was testifying that he would be freed "in a few days"; and he subsequently was.

Thousands of photographs were taken of this parade—many of them showing street clocks in the background—and according to this irrefutable evidence the only body of troops in the procession passed 721 Market Street at exactly 2 o'clock. This is very important, for three photographs not available to the defense in the trial of Billings but produced later at the trial of the Mooneys show that Mr. and Mrs. Mooney were on the roof of the Eller Building at 975 Market Street—more than 2,000 feet from 721 Market Street and more than 6,000 feet from the scene of the explosion—at 1.58, 2.01, and 2.04 o'clock. The time is fixed by the face of the large clock of a jeweler across the street which shows in the photo. Obviously, Mooney and his wife could not have been where Mrs. Kidwell said she saw them at 2 o'clock.

The same incontestable photographic evidence also proved that Mayor Rolph passed 721 Market Street at exactly 9 minutes before 2 o'clock. Therefore, if Estelle Smith's testimony before the grand jury were true, Billings did not leave 721 Market Street until 2.06—the exact time when the bomb exploded nearly a mile away, where he was said to have been seen by John McDonald, another witness, only a few seconds before the bomb went off.

After the grand jury had indicted the defendants the prosecution learned of the existence of these photographs impeaching the testimony of Estelle Smith and her mother. As a result Mrs. Kidwell was not called to testify in the trial of Billings, and when Estelle Smith took the stand she changed her testimony and said she did not know just when Billings came and left.

Rominger's testimony that he saw Billings was denied by W. G. Kerch, an electrician, who said the man who had climbed to the roof was not Billings and that Rominger had admitted as much when first called upon to identify him at the jail.

Later both Estelle Smith and Mrs. Kidwell repudiated their testimony. On October 31, 1917, Mrs. Kidwell made an affidavit to the effect that her daughter had not mentioned seeing Billings or the Mooneys until after visiting Prosecuting Attorney Fickert. Mrs. Kidwell also stated that Oxman, the star witness for the prosecution, had called to see her daughter several times and promised her "money in five figures" if she would testify that Weinberg had driven the Mooneys and Billings away from 721 Market Street a few minutes before 2 o'clock. Mrs. Kidwell swore that her daughter told Oxman her mother would not stand for such a story.

In November, 1920, Estelle Smith called on District Attorney Brady—who had just defeated Fickert for reelection—and voluntarily confessed that she had not been positive of her identification of Billings. She said that prior to the trial she had informed Assistant District Attorney Cunha that since testifying before the grand jury she had seen a man resembling Billings who regularly called at 721 Market Street to be treated by a dentist who had offices there, and that she did not want to swear that it was Billings who had visited the premises during the preparedness day parade.

Estelle Smith told Brady that Cunha informed her she must stick to her story and would be sent to prison for perjury if she changed it. The woman had a police record and no doubt she either was bribed or blackmailed into giving false testimony. The fact that she was not called as a witness at Mooney's trial tends to corroborate her statement to Brady. Evidently the prosecutor feared she might tell the truth.

Mrs. Mellie Edeau and her daughter, Sadie Edeau, also testified they saw Billings at 721 Market Street. That their testimony was false was conclusively proved later. They also appeared in the trial of Mooney, and their testimony will be analyzed in that connection. In the words of Franklin Griffin, the presiding judge, they both were "entirely discredited" by later developments.

But, after all, the testimony of the Edeaus, the Smith woman, and Rominger, was extremely circumstantial, as it left all the defendants 2,000 feet away from the scene of the crime. The prosecution attempted to supply the necessary direct evidence by producing John McDonald, who said he had seen Billings emerge from a saloon near Steuart and Market Streets, put down a suit case by the curbstone, stand a few moments talking to Mooney, and then walk away. McDonald testified that the explosion occurred a few seconds later.

McDonald's testimony—and without it Billings could not have been convicted—can be dismissed briefly, as it is demonstrably false. In the first place, the photographs produced later prove that the Mooneys were on the Eller Building's roof, some 6,000 feet away, just before the bomb exploded. When McDonald was a witness at the trial of Mooney some months later he changed his testimony to make it appear that he had seen Mooney and Billings at 20 minutes to 2 instead of only a few seconds before the bomb exploded at 2.06.

McDonald was a broken-down circus acrobat and admitted being a drug addict—when he had sufficient money to buy dope. On various occasions he boasted he was "being taken care of," and he said he would be sent back East "on the cushions after the trials."

In January, 1921, McDonald made an affidavit to Frank P. Walsh, formerly chairman of the National War Labor Board, in which he confessed he had not seen either Billings or Mooney at the scene of the explosion. McDonald swore that Billings and Mooney had first been

pointed out to him by detectives when he visited the jail. In other words, he admitted that his testimony was perjured from start to finish.

McDonald was brought back to San Francisco by District Attorney Brady to tell his story to the grand jury, but this organization was hostile and refused him immunity. McDonald's affidavit still stands unchallenged, however, and thus whether true or false it proves him utterly untrustworthy. Yet this drug-steeped derelict was the only witness who pretended to place Billings at the scene of the crime.

A flimsier case seldom has been presented to a jury, and it is incredible that Billings could have been found guilty had it not been for the handicap of his reputation as a radical, his former conviction on the dynamiting charge, and the hysterical state of the public mind.

Mooney was brought to trial in January, 1917, after the conviction of Billings. Practically the same witnesses who swore away Billings's freedom were used against Mooney, but several changed their testimony so as not to make the time element conflict with Mooney's unshakable photographic alibi, which placed him a mile away from the scene of the crime when the bomb exploded. Estelle Smith did not testify against Mooney.

Fickert realized that McDonald's story contained discrepancies which needed bolstering, and produced a surprise witness in Frank C. Oxman, who was described as a reputable cattleman from Oregon. As a matter of fact, Oxman had a decidedly shady record and had been indicted for fraud at his former home in Illinois.

Oxman was the prosecution's "star witness," and it is conceded by judge, jurors, police officials, and assistant prosecutor that his testimony was primarily responsible for Mooney's conviction. He swore that he had seen Mr. and Mrs. Mooney with Billings and Weinberg drive up in an auto to Steuart and Market Streets, set down the suit case alleged to contain the bomb, and then drive away. Oxman said he had noticed them particularly because Billings brushed roughly against him. He thought they were thieves, so he told the jury, and wrote down the number of the auto. Oxman stuck to his story through the cross-examination and made a profound impression upon the jurors. His record was not then known.

Less than two months after Oxman testified the attorneys for the defense got possession of three letters written by Oxman to a former friend named Edward Rigall who lived in Grayville, Ill. In these letters Oxman tried to induce Rigall to come to San Francisco to testify that he was with Oxman at Steuart and Market Streets when the bomb exploded.

Rigall at that time had never been within a thousand miles of San Francisco. Tempted by Oxman's offer of mileage and expenses, Rigall did come to San Francisco during the Mooney trial, but when he found out definitely what Oxman proposed he refused to testify and later turned over Oxman's letters to the defense.

These letters—admittedly written and signed by Oxman—prove conclusively that he not only perjured himself but tried to suborn perjury in Rigall.

Two more incidents complete the discrediting of Oxman and McDonald. In November, 1920, Police Officer Draper Hand, who had helped work up the bomb case, went to Mayor Rolph, of San Francisco, and voluntarily stated that the police had given Oxman the number of Weinberg's auto which Oxman swore he wrote down at the time. Hand said that Oxman then was taken to the garage where this auto was kept, so that he could later describe it, and that Oxman also conducted tests to see whether a suitcase could be held outside on the running board as he testified Mooney had held it. Police Officer Hand stated that by manner and implication Oxman admitted he had not seen Mooney or Billings at the scene of the crime. In the same statement Hand declared that McDonald once had threatened "to spill everything" unless the prosecution found him a job. The job was promptly found.

But the clinching proof of Oxman's perjury did not come to light until May, 1921, when Mr. and Mrs. E. K. Hatcher testified before the San Francisco grand jury that on July 22, 1916, Oxman had arrived at their home at Woodland, Yolo County, Calif., some 90 miles north of San Francisco, and remained until after 2 o'clock in the afternoon talking business. They swore that Oxman left Woodland on a train which could not have reached San Francisco until 5 p. m.—three hours after the bomb exploded—and they fixed the date because Oxman called them up by long distance that evening and told them about the disaster.

The Hatchers are reputable persons, and their testimony has never been impugned. Furthermore, it is corroborated by the fact that Oxman did not register at the Terminal Hotel at San Francisco until after 5 p. m., July 22, 1916. It is manifest that this arch perjurer was not even in the city at the time when he falsely swore he saw Billings, Weinberg, and the Mooneys at the scene of the crime.

There are several vital pieces of uncontradicted evidence which demolished the testimony of Oxman and McDonald during the trial.

Oxman and the Edeau women swore that the Mooneys, Billings, and Weinberg drove down Market Street in the face of the oncoming parade, deposited the suitcase at Steuart and Market Streets, where thousands of people were waiting, and then scattered. It was even alleged that

Mooney held the lethal suitcase in plain sight on the running board of the car.

Mooney and his wife were known to most of the policemen in San Francisco from their recent strike activities, and Billings had served a sentence for alleged dynamiting. Is it not preposterous—in fact, absolutely unthinkable—that persons intending to set off a charge of dynamite would parade for more than a mile through closely packed streets to the scene of the crime and set the suitcase down where it could be seen and remembered by thousands of people?

Furthermore, Market Street was closed to traffic at the time, and no less than 24 policemen, who certainly were not prejudiced in Mooney's favor, swore that no auto could or did pass Steuart and Market Streets at the time McDonald and Oxman testified it did. Not a few of these policemen personally knew Mr. and Mrs. Mooney.

Twenty other witnesses, all of them reputable, swore that they saw Mr. and Mrs. Mooney on the roof of the Eiler Building, more than a mile from the explosion, long before and after the bomb went off, and, as mentioned previously, three photographs taken from the roof by a youth named Wade Hamilton plainly show Mr. and Mrs. Mooney leaning over the parapet, watching the parade. In the background was a large street clock, which fixed the exact time the camera was snapped.

The prosecution had these photographs when the perjured testimony of McDonald, the Edeau women, Estelle Smith, and Mrs. Kidwell was first given, but it required a court order to enable the defense to get these pictures. When they were reluctantly turned over they had been so tampered with that the clock in the background did not clearly show the time. An expert enlarged the photographs 25,000 times and then the hands on the street clock registered the exact minute, and this constituted an unimpeachable alibi that completely shattered the perjured testimony which first placed the Mooneys at 721 Market Street and later at Steuart and Market Streets a few minutes before the explosion.

It also is a fact that at least six persons, including Dr. J. Mora Moss, a well-known physician, and Mrs. Maude Masterson, and Mrs. Janie K. Compton, and Mrs. Fannie Dahl (the last-named woman was wounded), all stated that they saw the bomb hurled from the roof of an adjoining building. This, of course, utterly destroyed the far-fetched theory of the prosecution; but instead of investigating their story, the unscrupulous Fickert actually tried to keep the defense from learning of this evidence.

Notwithstanding Mooney's perfect alibi, the inconsistent improbable theory of the prosecution, and the disreputable character of practically all the State's witnesses, the newspapers had fomented public indignation to such a fevered pitch that a fair trial was impossible and Mooney was found guilty and sentenced to death—primarily upon the testimony of Oxman, who now is conceded by everyone to have been a paid perjurer.

Lest I be accused of prejudice or inaccuracy in making the foregoing statements, I shall quote the letter written to Judge Franklin Griffin to Attorney General U. S. Webb, April 25, 1917, after Mooney had been denied a new trial and when his appeal to the California Supreme Court was pending.

Judge Griffin had denied the motion for a new trial, but when Oxman's three letters to Edward Rigall were brought out he immediately realized that Mooney was the victim of perjured testimony. Judge Griffin is respected by all who know him. There is not a blemish on his private or professional reputation. Anxious to retrieve the terrible judicial blunder, he asked Attorney General Webb to take such action as would return the case to his court for a new trial. That was possible, as several indictments were still pending against both Mooney and Billings.

In part, Judge Griffin wrote as follows:

"In the trial of Mooney there was called as a witness by the People one Frank C. Oxman, whose testimony was most damaging and of the utmost consequence to the defendant; indeed, in my opinion, the testimony of this witness was by far the most important adduced by the People at the trial of Mooney."

In referring to the letters written by Oxman to Rigall, Judge Griffin stated:

"They bear directly upon the credibility of the witness and go to the very foundation of the truth of the story told by Oxman on the witness stand. Had they been before me at the time of the hearing of the motion for a new trial I would unhesitatingly have granted it."

Attorney General Webb agreed with Judge Griffin that the Oxman letters entitled Mooney to a new trial, and he stipulated that the judgment of the lower court be reversed and the case be remanded for a new trial.

The California Supreme Court refused to consider the evidence of perjury and rejected Mooney's plea on the purely technical grounds summarized in the concluding paragraphs of the court's opinion:

"But manifestly, the court has no authority to consider these matters (the Oxman letters) as thus presented. They are no part of the record sent to us from the court below, and there is no provision of law by which newly discovered evidence may be presented to this court in the first instance. The remedy in such cases rests with the executive. He alone can afford relief."

The supreme court's callous refusal to go beyond the written record and take official cognizance of the perjured testimony called to its attention by the trial judge—and it must be remembered that Mooney then was under the sentence of death—happily has but few parallels in modern jurisprudence. It is this brutal insistence on sheer technicalities which has brought our courts into widespread disrepute.

In this connection it is pertinent to point out that F. W. Henshaw of the California Supreme Court—one of the judges who voted against granting Mooney a new trial—resigned soon after because it was established that he had accepted a \$400,000 bribe in return for voting for a rehearing of the famous Fair will case which involved many millions of dollars.

Henshaw is generally credited with being the man who persuaded the United Railroads group to support Fickert for district attorney, and, according to the reports made by the Densmore investigation, Fickert actually consulted Henshaw about the conduct of the trials of the defendants in the bomb case. After his enforced resignation from the supreme bench, Henshaw became the attorney for the San Francisco Chamber of Commerce "law and order" committee, and had knowledge of the efforts to frame up the testimony against Mrs. Mooney and Weinberg.

These startling allegations are contained in the report made by J. B. Densmore at the request of Secretary of Labor Wilson, and are part of the House of Representatives Document No. 157 of the Sixty-sixth Congress. In this document the facts proving the bribery of Henshaw and his activities in the Mooney case are set forth in great detail, and they shed light upon the refusal of the California Supreme Court to consider the new evidence which showed Mooney was a victim of perjured testimony.

When the Supreme Court denied Mooney's appeal and Attorney General Webb's request for a new trial, the only hope for justice lay in the pardoning power of the chief executive.

Judge Griffin at once addressed a letter to Gov. William D. Stephens asking him to pardon Mooney so that he could be tried again on another indictment. This letter gives such a complete summary of the case that I quote it virtually in full.

SAN FRANCISCO, CALIF., November 19, 1918.

HON. WILLIAM D. STEPHENS,

Governor of California, Sacramento, Calif.

YOUR EXCELLENCY: You may recall, and the record is now before you, that subsequent to the trial of Thomas J. Mooney, and after an appeal from my order denying his motion for a new trial, I addressed a letter to the attorney general, in which I requested him to take such action as would send the Mooney case back to my court to be tried anew.

I believed then that simple justice and fair play demanded such action, and from that position I have never for a moment receded. On the contrary, that stand has been by later developments greatly strengthened, and, if I may, I would trespass upon your valuable time to put before you, as briefly as the circumstances will permit, the reasons why I so firmly believe a new trial of the Mooney case should be had.

In the trial of Mooney there were four witnesses, and four only, who connected him with the explosion which occurred at Steuart Street and Market. . . .

Oxman was by far the most important of these witnesses. His testimony was unshaken on cross-examination, and his very appearance bore out his statements that he was a reputable and prosperous cattle dealer and landowner from the State of Oregon. There is no question but that he made a profound impression on the jury and upon all those who listened to his story on the witness stand, and there is not the slightest doubt in my mind that the testimony of Oxman was the turning point in the Mooney case and that he is the pivot around which all other evidence in the case revolves. It was because of the extreme importance of this witness and his naive simplicity on the witness stand that when the disclosures of the letters he had written to Rigall and his mother, which are before you, was made, I deemed it my duty to address the attorney general as I did.

The testimony of Mrs. Mellie Edeau and her daughter, Sadie Edeau, was that on the day of the preparedness parade Mooney, Mrs. Mooney, Billings, and Weinberg were together at 721 Market Street, from which point they drove away in the direction of the ferry in Weinberg's automobile jitney. They were the only witnesses who claimed to have seen the Mooneys at that point, and their testimony is important in that it corroborates Oxman's statement that the same four people arrived at Steuart and Market Streets in the same conveyance a short time after its departure from the Edeaus' observation.

At the trial of Billings the Edeaus did not disclose in their testimony then given that they had seen Mooney and his wife. This in itself was a suspicious circumstance, but as it was developed at Mooney's trial and thus was before the jury for consideration, I do not comment upon it. But the testimony of the Edeaus has now been entirely discredited by Inspector Smith, of the Oakland Police Department; Captain Peterson, of the United States Army, former chief of police of Oakland; and Lieutenant Goff, of the San Francisco Police Department. The sworn testimony of these police officials adduced at

the trials of the defendants Rena Mooney and Israel Weinberg, before Judge Seawell, of Sonoma County, who presided for Judge Dunne, discloses that immediately after the tragedy at Steuart and Market Streets the mother called on the Oakland officials, claimed then that she and her daughter were not at 721 Market Street, but at the scene of the crime, and saw the perpetrators thereof, was brought by Inspector Smith to San Francisco, where she was shown the defendants, who were then under arrest, and in the presence of Smith and Goff was not only unable to identify any of them but stated that they were not the guilty parties. . . .

I do not intend to state the testimony of John McDonald. It is brief and doubtless will receive the careful analysis of yourself or your secretary. I do not hesitate to say, however, that in my judgment, McDonald is unworthy of belief, and in view of two indisputable facts which are established beyond all peradventure of a doubt, his testimony is worthless. These are, first, the time of the explosion, 2.06 p. m.; and, second, the time Mooney is first shown on the roof of the Eilers Building, 1.58 p. m. The first of these facts is established by Capt. Duncan Matheson, in charge of the bomb case; the second, by the photograph, subsequently enlarged, taken by the young man employed by the Eilers Music Co. Bearing those facts in mind, the testimony of McDonald demonstrates its own falsity and is itself unanswerable evidence that what he claimed to have seen could not have occurred. . . .

It was my judgment and opinion that Mooney should receive a new trial upon the Oxman letters alone. In that judgment and opinion I was not alone, for upon examination of the records the attorney general concurred therein and stipulated in open court that the case should be reversed. The supreme court of the State held, however, that it was without power to act upon such a stipulation in a criminal case.

I have no personal interest in Thomas J. Mooney, but I have a deep personal interest in the case of The People against Thomas J. Mooney, not because I was the judge who presided at its trial and pronounced the judgment, but because, firstly, there is a human life involved; and, secondly, inseparable from the case, there is the great principle upon which this Government rests, that no man, whatsoever his condition, position, conviction, or belief may be, shall be denied justice. . . .

Yours very respectfully,

FRANKLIN A. GRIFFIN.

It would seem that Judge Griffin's letter alone should have resulted in Mooney's pardon. Other indictments were pending against him; he had waived the question of being put in double jeopardy and could have been tried again immediately. But, of course, Oxman was completely discredited and without Oxman the case against Mooney had collapsed. It is impossible for me to understand why Governor Stephens refused to pardon Mooney, because, after President Wilson wrote asking for a new trial, he did show some humane impulses by commuting Mooney's death sentence to life imprisonment.

When Friend Richardson succeeded Stephens as governor Judge Griffin again asked for a pardon so that Mooney could be retried on other indictments. Richardson went out of office without granting a pardon, and when C. C. Young succeeded Richardson, Judge Griffin again wrote two strong letters urging belated justice for Mooney. In addition, pardons have been asked for by Duncan Matheson, the captain of detectives who had charge of the bombing cases; Charles Goff, the captain of police who worked up the evidence; James P. Brennan, the assistant district attorney who conducted the Billings case; and by all 10 of the surviving jurors.

Captain Matheson wrote that Oxman was "not only unreliable but a romancer pure and simple, and ready to bolster up his story by any means within his power." Captain Matheson also stated that in his opinion McDonald had perjured himself in testifying on the witness stand.

Captain Goff stated that both Oxman and McDonald "were influenced by questionable motives, and their testimony was of little if any value. If I was a juror sitting in the case I would not, in my present frame of mind, consider their testimony for a single minute when a human life was being weighed in the balance."

Despite the admission of practically everyone connected with the trial that the conviction of Billings and Mooney was obtained on perjured testimony, Governor Young refuses to grant pardons, although he has hinted that he might parole the men under certain conditions. Neither Mooney nor Billings wants to be released on those terms.

Governor Young recently wrote that "While, like many other people, I have been dissatisfied with some of the aspects of the trial, I have never been able to bring myself to a belief in the innocence of the accused."

On what grounds does Governor Young base his belief that Mooney and Billings are guilty? Certainly on nothing that was adduced at the trials. After the testimony of Oxman, McDonald, the Edeau woman, and Estelle Smith was discredited—chiefly by their own voluntary admissions—there is not one scintilla of evidence connecting Billings and Mooney with the preparedness day bomb blast.

Governor Young's words make it obvious that he is intensely prejudiced against Mooney and Billings because of their radical views. That bias has crept out more than once in his correspondence.

Personal prejudice should not enter into this case, and the political and economic views of Mooney and Billings do not have the slightest bearing on their guilt or innocence. It is apparent that they did not set off the bomb. Therefore they should be released. Their opinions are of no concern whatever to the Governor of California so long as it can be shown that they are not guilty of the overt act for which they were indicted.

The conviction of Mooney and Billings has been effectively used for radical propaganda in every part of the world, and it will continue to be so used just as long as the governors of California continue to compound the crime which was committed when these men were deprived of their liberty on perjured testimony.

Mooney and Billings remain in prison because the industrial interests responsible for this plot against justice want them to stay behind bars as a warning to other labor leaders who might be minded to oppose these profiteering employers at some future time. And they fear that if the men are pardoned now the whole hellish conspiracy might be exposed.

The same interests that caused Mooney and Billings to be jailed are the chief contributors to campaign funds in California. There is an ancient adage that "The man who pays the fiddler calls the tune." Is it possible that this explains the failure of three successive governors to pardon Mooney and Billings? To me it simply is inconceivable that anyone familiar with all the facts can entertain the slightest doubt about their absolute innocence.

The people of California share the responsibility for the failure of three governors to pardon Mooney and Billings. Politicians always respect public opinion, so that if a sufficient number of petitions asking for pardon are sent to Sacramento they will offset the secret pressure that undoubtedly is being brought to bear by the same corporations responsible for their original frame up. The reputation of California is at stake, and every resident of the State who supinely submits to this brutal injustice necessarily must bear part of the stigma.

But it is not only the people of California who are concerned. The people of every other State have a right to protest, because the continuation of this shameful situation is casting grave discredit upon the administration of justice in the United States.

After years of martyrdom Alfred Dreyfus was restored to honor in France, and only recently England released Adolph Beck when it became plain that he was unjustly convicted of murder. We can not afford to have it said either at home or abroad that we still jail men for their political opinions. We no longer live in the dark ages when men and women were burned for witchcraft or imprisoned for heresy; yet, in the last analysis, Mooney and Billings are suffering solely for their radicalism.

I strongly feel that the conviction and imprisonment of these men is a challenge to our republican institutions. This shameful situation should arouse the deepest resentment of every decent citizen, regardless of political belief or economic opinion, and every liberty-loving American should write to Governor Young, of California, and demand that he pardon Mooney and Billings or give specific reasons for not so doing. Public opinion is the lever that will pry apart their prison bars if enough real Americans register their indignation at the state-house at Sacramento.

(EDITOR'S NOTE.—As this article goes to press, Estelle Smith has made an affidavit to the effect that her identification of Billings was false.)

#### CONDITIONS IN TEXTILE INDUSTRY IN NORTH CAROLINA

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting and able article from the Raleigh News and Observer giving the true situation with reference to the strike in North Carolina.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, May 5, 1929]

#### THE TEXTILE LABOR BATTLE AND ITS PRESENT SIGNIFICANCE

By R. E. Williams

GASTONIA, May 4.—Eight years ago when cotton-mill strikes ushered in the period of depression which followed the almost fabulous profits of war times, Gaston County, although then as now the hub of the principal industry in Piedmont, N. C., was on the fringe of the conflict and shared in it to no great degree.

This year, when labor disputes of real magnitude have again made their appearance, just as optimistic mill operators had begun to feel that renewed prosperity for the industry was "just around the corner," Gaston County has been the battle ground for five weeks with the end not yet.

#### QUESTIONS INVOLVED

The situation raises a number of queries which may be answered on the basis of facts collected and opinions formed by five weeks of close observation of a strike which has been conducted by a leadership wholly

alien to North Carolina, and which has been resisted with more zeal than judgment and with a disregard of the rights to the strikers, which has reacted to their advantage.

Why are there 103 cotton mills in Gaston County? And why have so few of them been affected by the strike? What manner of people are these "communists" who are conducting the strikes? Why did they come here and why did the strikers follow them? Have the strikers a real grievance? If so, have the mill owners any justification for not remedying conditions? What are the relations between employer and employee and how have those relations changed with the changing fortunes of the industry? What is the attitude of members of the community not directly affected? What has given the strike vitality enough to last five weeks and what has deprived it of any greater degree of success? How have the local authorities measured up to their responsibilities? What are the indications for the future?

Some of these questions can be answered by citing facts. The answers to many of them lie in the realm of opinion and, concerning the answers to them, there are sharp divisions of ideas.

#### DEVELOPMENT OF INDUSTRY

Gaston County's undisputed supremacy as the "comb-yarn center" had both its beginnings and its development in local initiative. In fact, to-day only a few of the mills in the county are owned by outsiders, and these, including the Loray mills of the Manville-Jenckes Co., of Pawtucket, R. I., heart of the strike, were built locally and later sold.

In Gastonia, which has about one-half of the county's mills, and finances others, four men stand out from the history of the pioneer days. These men were R. G. G. Love, Capt. J. D. Moore, George A. Gray, and C. B. Armstrong. These men, together with John H. Craig, organized the Gastonia Cotton Manufacturing Co. in 1887. The second stage of the industry, its development, was directed largely by these men and men whom they associated with them, and these associates and the descendants of the pioneers reaped the golden harvest of the tremendous prosperity of the war boom and have steered the industry through the adversity of the overproduction which has followed.

Willingness to plow back earnings into the business that made them accounted to a large extent for the growth of the business, as outside capital has always been a minor factor in Gaston County. John C. Rankin early rose to a place of prominence in the industry, as did J. H. Separk, Arthur M. Dixon, and numerous others.

But the industry has by no means been confined to Gastonia. A large group of mills at Belmont has continuously paid dividends, the mills of Stuart W. Cramer, at Cramerton, have become among the most noteworthy in the world, and the McAden mills, at McAdenville, for 44 years under the continuous management of R. R. Ray, are another example, and the county is dotted with villages having from one to six mills each.

#### MOST MILLS IMMUNE

Nothing is more contagious than discontent, and it is a fact of more than passing significance that 90 per cent of the mills in the county have been able to cope with the situation without any outward manifestations.

Generalizations are always subject to modifications, and that is particularly true in dealing with the ramifications of the Gaston County situation. But it seems clear that these mills grew and prospered under conditions which brought employers and employees into close and understanding relationships. These relationships gave Gaston community practical immunity from the severe strikes which were waged in Charlotte, Kannapolis, Concord, and elsewhere in 1921, and where those relationships have been maintained much the same immunity has been enjoyed in 1929.

#### COMMUNIST LEADERSHIP

The thing that has set the present strikes apart from other strikes has been the leadership which called and has conducted these strikes.

So much has been said about what these leaders believe as to obscure what they are doing. The strikes are under the direction of the National Textile Workers' Union, whose leaders formerly constituted the radical element in the United Textile Workers' Union, which is affiliated with the American Federation of Labor.

Many of the leaders of the union are professed communists. Others are not. Those who are do not hesitate to say so. But they insist that communism has nothing to do with the strike, the issues of which they describe as shorter hours, higher wages, and better living conditions. They have also soft-pedaled communistic theories in their daily talks to the strikers, but the opposition has never let communism get into the background for a single moment.

One of the leaders, George R. Pershing, whose claims that he is a second cousin of Gen. John J. Pershing and a nephew of J. Edgar Pershing, chairman of the Indiana Republican Executive Committee, are apparently authentic, has been responsible for a close connection between the Communist Party and the strike. Pershing is connected with the Daily Worker the official organ of the Communist Party in the United States, and has regularly distributed hundreds of copies of that publication to the strikers.

## EXAGGERATED ACCOUNTS

This paper has featured lurid and exaggerated accounts of events in Gastonia and has given the strike prominent space. As it happens, the paper has stressed, along with the strike, plans for "Negro Week, May 10-20." These papers have been eagerly grabbed by strikers as they have been handed out from day to day and the hundreds of strikers have read and, to some extent, absorbed the doctrines of communism along with the reports of the strike.

The dominating figure of the union is Albert Weisbord, of New York, a graduate of Harvard and the Harvard Law School, a Phi Beta Kappa and a son of a Brooklyn garment manufacturer, whose factory was the scene of his son's first strike.

Weisbord is regarded as a power among his kind, but his one-day appearance in Gastonia the second week of the strike was not a huge success. He made a fiery speech that would have gained a big response in New England or New York. But it was evident that he and the strikers spoke different languages and his audience was cold.

Not so with Fred Irwin Beal, chief field agent of the union and in charge of the strikes at Gastonia and vicinity. Beal, the son of a former chief of the Fire Department of Lawrence, Mass., gained his first experience as a boy around the big Lawrence strike and was a lieutenant in the important strikes at Passaic, N. J., and New Bedford, Mass.

Beal comes from an environment far different from that of Gastonia, but he has met the strikers there on a common footing and many of them idolize him.

## LIVE WITH STRIKERS

One significant thing is that Beal and the three other men and three men who have been regularly associated with him as well as those who have drifted in and out, have lived in the homes of the strikers themselves rather than at hotels.

Beal himself is stocky, red haired, gold-toothed individual of a great deal of native shrewdness, while Pershing is an attractive young chap of a pleasing personality, whose "sex appeal" was set down as one factor in such success as the strike has had by one of the more cynical of the drove of newspaper men the strike has brought to Gastonia. The other men are Karl Marx Reeve, representative of the International Labor Defense, editor of the Labor Defender, and American correspondent for the L'Humanite, a communist paper of Paris with a wide circulation, and Bill Sroka.

Of the women, Vera Bush, who gives every appearance of being a woman of refinement and culture, appears to be the most important, but keeps herself in the background, declining to discuss her past, which is reputed to include experience as a social worker. Ellen Dawson and Reeve are the firebrands, Miss Dawson being widely known. She is a native of Scotland and the only one of the lot, unless it be Sroka, who is not a native American. She was arrested recently on an old naturalization charge. The other woman, Amy Schecter, represents the International Workers' Relief, an organization headed by Bishop William Montgomery Brown, who was expelled from the bishopric of the Episcopal Church for heresy and has been in charge of the relief operations which have suffered from a lack of funds.

## REGARDED AS KEY TO SOUTH

"North Carolina is the key to the South, Gaston County is the key to North Carolina, and the Loray mill is the key to Gaston County," is the explanation of Pershing as to the locus of the strike.

Taking advantage of the deliberate and cautious approach of the American Federation of Labor, which seeks to organize the industry through the existing State federation, the National Textile Workers' Union moved only after the American Federation of Labor had announced months before that it intended to organize the textile industry of the South.

But there is nothing cautious about the national organization and it was first on the scene. Its avowed purpose is to organize the whole South, and its leaders refuse to recognize any distinction between the several mills of the section, denouncing all as rotten. For those seeking a 40-hour week, one of the extreme demands made of the Loray mill, the important distinctions between the three types of mills, those which have a voluntary 55-hour week, those which strictly observe the 60-hour law, and those which habitually or frequently violate that statute.

These leaders assert that there is an inherent antagonism between capital and labor; that all "bosses" are oppressors; and that labor can get its just dues only by meeting force with force. That does not mean they have taught or practiced violence. They have not. What they want is "solidarity" of labor, a peaceful but implacable force.

The strike leaders are outsiders, but the most colorful figure in the strike has been Tom P. Jimison, erstwhile Methodist minister and now a practicing attorney of Charlotte.

Although not in full sympathy with the leaders and aligned by past association with the other union, Mr. Jimison has had an active connection with the protection of the legal rights of the strikers as representative of the American Civil Liberties Union. He met and conquered Maj. A. L. Bulwinke on the question of Beal's arrest in a civil case and has conducted a continuous onslaught upon the validity of the Gastonia "antiparda" ordinance, the fate of which is still in doubt.

The strikers have also developed some leadership in their own ranks. Russell Knight, a "mill hand," has developed real platform ability, and John McClure has looked after the business end as manager of the relief department, and Will Truett, secretary of the local union, has retained general confidence in himself.

## SEEK LOCAL LEADERS

They have regarded the present strike as only a step and are now planning to select 20 of the more promising converts, send them to the Workers' College, a radical institution in New York, for training, and bring them back as native born and bred organizers for the union.

To the ideas of these leaders, particularly that of race equality, there is no section of the country more inhospitable than the South, no part of the South where contrary ideas run deeper than in North Carolina, and no element of the population where those ideas are more firmly embedded than among the cotton-mill workers.

## OLD CRY RAISED

How, then, is even the partial success which the leaders have had to be explained?

One explanation is that the cry of "Wolf, wolf" has been so often raised that this time when there is a real, live wolf he passes unnoticed. The cry of "Red," "Russian," "Bolshevist," "Communist" has been so often heard against people who were nothing of the sort that the epithets no longer carry the force which they once did.

"They call everybody who wants to help us that," said one mill worker. And he spoke for many.

But the real explanation is that the soil was fertile for the seeds of discontent.

If the wages are not too low and if the hours are not too long, practically every mill owner does his industry a gross injustice whenever he talks freely about the situation.

But these things in themselves would not have produced the bitterness that exists in many places. Wages have always been low and hours have always been long. The workers desire improvement, but it is very doubtful if they would have struck for it.

## STRETCH-OUT SYSTEM

Along with low wages and long hours have gone comparatively light work. And then came the "stretch-out," "doubling-up," "efficiency methods," "extended labor system," or what have you. These are only a few names to describe one process, the same amount of work with fewer employees.

The bitterest discussion of this system heard in the course of hundreds of conversations about it came from a prominent mill owner. He hasn't it, except in a modified form, in his mills.

It is possible for the "stretch-out" system to work to the advantage of both employee and employer and for it to be approved by all. That has been done in some cases. In those cases which the strike brought under observation, however, the employers seem to have gotten all the cream and in those cases where the employees got anything it was finely skimmed milk.

## REDUCTION OF PAY ROLL

At the Loray mill, for example, a pay roll of over \$40,000 a week is reported to have been reduced to around \$30,000 and the number of employees from about 3,000 to around 2,000. These things occurred under G. A. Livingstone, a former manager, who also seems to have possessed an unfortunate personality. Conditions have been bettered under J. A. Baugh, the present manager, who had been in charge only about four months when the strike began.

But the changes were not as complete as the workers had hoped for and the agitators found bitterness with which to work, their task being also made easier by the impersonal relations between employer and employee always found in a large mill and the fact that the Loray mill has a large percentage of floating labor.

## FACTS ELUSIVE

The exact wages which are paid in the Loray or any other mill are difficult to ascertain. The management claims a minimum wage of \$10.20 a week and an average wage of \$18.50, a figure some two or three dollars above the general average. This average, however, seems to include everyone paid by the week, which would bring in some, if not all, the many foremen employed in the plant.

Moreover, the minimum does not apply to piece workers. These workers seem to get from about \$7 up, some envelopes containing as much as \$30, with the highest average running around \$25. Many envelopes are on exhibit with much smaller wages, but the trouble about the envelopes is that they do not always represent a full week's work, and sometimes one worker will draw two or three envelopes in one week when engaged in different kinds of work.

## VARIATIONS IN PAY

These variations are sometimes hard to understand. Two employees of the same capacity undoubtedly earn materially different amounts when engaged on different sorts of material and sometimes the same employee will show a great variation in pay from week to week, greater

variations than could be accounted for by greater application. One explanation is that when something goes wrong with the machinery the employee suffers.

#### LORAY HOUSES

The houses in the Loray villages rent for 50 cents per room per week, more than the usual rate. Some of these houses are in excellent condition; some of the old ones are in very poor condition. There are not enough houses in the village to accommodate all the workers, and conditions with two families occupying the same house are frequent, while in some houses there are three families.

#### OTHER STRIKES

The second week of the Loray strike found other strikes occurring in the Pineville mill of the Chadwick Hoskins chain, and in the Florence mill at Forest City, and in the Weenonah mill at Lexington. At Pineville, where the workers reached the point of starvation after three weeks and returned to work, and at Forest City, where an efficiency expert was discharged and all innovations established by him abolished, the chief complaint was the "stretch-out" system. At Lexington the sole cause of the strike appears to have been a direct cut in wages. The union at no time figured in the Forest City strike, but called the one at Pineville and intervened in the one at Lexington after it had occurred, Beal getting to the scene 48 hours late but ahead of Charles G. Wood, Federal labor conciliator, who says the workers have a real grievance but refused to treat with the Gastonia strikers because of the character of their leadership.

The wage cut at Lexington was abolished, and the mill started up later, but the strike was already under way and continued in part.

#### BESSEMER SITUATION

Trouble of a minor nature has been experienced by mills in Gastonia and in Charlotte, but the only other strikes of consequence occurred in Bessemer City, where conditions are somewhat different from those at any other points where there have been strikes. At the Osage mill, which has a voluntary 55-hour week, the sole demand of the workers was a 10 per cent increase in wages, which, it was claimed, would put them on a level with the Gambrell-Melville mill, which also has a 55-hour week, but which has admittedly had no "stretching out," and where 75 per cent of the employees have purchased their homes through a building and loan association. The Osage mill, where most of the employees joined the union after, rather than before, the strike, was unable to resume operations in the day but not at night after a week, while a sympathetic strike at the Gambrell-Melville mill lasted only two days. The two plants in Bessemer City of the American mills never had to close but have been crippled by strikes. These mills operate for 60 hours every week, and more some weeks, with some employees customarily working more than the legal limit, and there is also complaint about wages.

#### OWNER'S POSITION

With the mill owners freely admitting, but "not for publication," that wages are too low and hours too long, their reasons for maintaining the present wages and hours become important. Briefly stated, those reasons are that the industry has not been making money because of overproduction and that the keenest of competition would not permit one mill to establish innovations unless others did.

What are the available facts?

The United States Department of Labor figures show that North Carolina pays the highest wages of any Southern State. Those figures show an average weekly wage for men of \$17.41 and women \$14.62. South Carolina with a 55-hour week law has an average of \$15.46 for men and \$12.32 for women, while the average for the whole South is even less, the wages in Georgia and Alabama being about \$2 a week less than those of South Carolina.

#### WHAT MILLS EARN

The question of earnings is a more complicated one. Here are some figures on earnings obtained from an unquestioned authority and representing both some of the best and some of the worst. One mill with a capital of \$2,000,000 shows the following net profits for the past five years: 1924, \$60,000; 1925, \$240,000; 1926, \$164,000; 1927, \$180,000; 1928, \$72,000.

Here is one with a capital of \$900,000. It earned \$36,000 in 1925, \$31,000 in 1926, and \$149,000 in 1927.

This one has a capital of \$230,000. It earned \$10,000 in 1924, \$18,000 in 1925, and \$3,000 in 1928, but lost \$20,000 in 1926 and \$7,000 in 1927.

Here is one with a capital of \$300,000. It lost \$45,000 in 1924, earned \$9,000 in 1925, lost \$24,000 in 1926, and earned \$15,000 in 1927. Another mill with the same capital lost \$22,000 in 1924, earned \$23,000 in 1925, \$3,000 in 1926, \$37,000 in 1927, and lost \$5,500 in 1928.

Here is one of the best. On a capital of \$600,000 it earned \$137,000 in 1923, \$53,000 in 1924, \$75,000 in 1926, and \$128,000 in 1927.

One mill with a capital of \$900,000 has paid 10 per cent regularly and now has a surplus of \$76,000 as compared with \$29,000 in 1924.

#### GENERAL SITUATION

From the above it will be seen that 1927 was the best year since the war boom, but that 1928 was a poor year. However, first-quarter reports for 1929 have been good.

It is estimated that the mills averaged around 50 per cent earnings during the war period, that since that time about 20 per cent have not missed a dividend and about 10 per cent have not paid a dividend, with the other 70 per cent paying some years and not others.

Mills that reserved some of their huge earnings during the boom period have been in the best condition since, while those that increased their stock without increasing their capacity have been in worse condition.

One mill began with a capital of \$75,000 and increased it by stock dividends to \$400,000. Another began with \$250,000 and increased it to \$1,000,000. These are exceptional cases, but they are not isolated ones.

#### SECOND GENERATION

As the operators and operatives go into the second generation and as outside ownership becomes more frequent the natural tendency is for them to drift farther apart. In the beginning both the owners, who usually came from unproductive farms, were both enjoying better lots than they have ever known. They were also close to each other and sympathetic with one another's problems.

In the smaller mills that condition continues to a large extent. But large salaries for executives—some of them run to \$50,000 and \$60,000 for chains of mills—became the fashion during war times to avoid heavy taxes, and those salaries have stayed up. The second generation of owners takes salaries and profits as a matter of course. The second generation of operatives is better educated, has more expensive tastes, and want more from the world than their fathers had.

In meeting the changing fortunes wages have frequently been cut, but the tendency has also been to improve the houses in which the employees live.

#### PUBLIC OPINION

In gauging the attitude of those not directly affected by the strike it must be remembered that in a town like Gastonia everyone is indirectly affected by the condition of "The Industry," with two very large capitals. Perhaps it is natural for sympathy to be with the side from which that indirect contact comes.

There are a great many people in Gastonia who sympathize out and out with the strikers, and there is a smaller number whose sympathies are just as firmly with the other side. But the great bulk of public opinion is to the effect that "they ought to have more money, but they have hooked up with the wrong crowd."

That state of public opinion has largely upheld the mills in refusing to have any dealings whatever with the present union, a policy that has also been shared by the State and Federal authorities.

#### OUTSIDE SYMPATHY

The strike owes the measure of success it has had not at all to local public opinion, but to the deep-seated desire of the strikers to avail themselves of anything that promised relief without subjecting the ideas of the leaders to any too close scrutiny, accepting their sincerity and bothering not at all about the ultimate effect.

For financial support, the union, whose only assets are the zeal and fervor of its leaders, has to depend upon outside support, obtained largely in New York. Money has come in, small amounts at the time, and the strike has been powerfully aided, both at home and abroad, by three events.

These were the presence for 18 days of the State National Guard, the destruction by a masked mob of the strikers' headquarters and their relief store with the food in the store being destroyed, and the brutality to strikers and bystanders of special officers who relieved the soldiers as enforcers of "law and order."

#### APOLOGY NECESSARY

Much can properly be said for the local officials by way of apology, but the sad part of the story is that in order to defend them it is necessary to apologize.

It can be truly said that the authorities have been confronted with a new situation. They were apprehensive—and with reason—of what might happen. They felt that the strike leaders, despite their harmless actions, were dangerous people, who if allowed to succeed would bring on violence and disorder.

#### WHAT RECORD SHOWS

But here are the facts: The strike was called April 1. On April 3 the mayor and sheriff called for troops and they were dispatched and kept on duty until April 21, being removed over the vigorous protest of local authorities.

On April 18 occurred the destruction of the strikers' property.

On April 19 the city council passed an "antiparade" ordinance, which was used to prevent precisely the same sort of "picketing" that had taken place around the mill one block away—the guarded area—during the whole time of the strike.

On April 22 special deputies enforcing the ordinance charged into the strikers with fixed bayonets and drawn clubs, seriously injuring women, children, and bystanders.

On April 23 the ordinance was amended without notice to meet a ruling of the recorder that it applied only to leaders.

On April 24 Beal was arrested, handcuffed, placed in the cell with an alleged murderer, and held in default of \$5,000 on a civil action which Judge A. M. Stack, sitting in a hearing on a writ of habeas corpus, declared utterly groundless.

On April 25 a grand jury was convened at the insistence of Governor Gardner. It indicted two special officers for assaulting Legett Blythe, a reporter of the Charlotte Observer, with rifle and black-jack, but failed to indict any of them for assaults upon women, children, or other bystanders, and reported that the damage to property amounted to only \$500; and no information could be obtained as to who did it.

On April 26 a big mass meeting, called for the denunciation of communism, was held in front of the courthouse, but a delegation of ex-service men from the strikers were refused a decision of title and a respectful petition from the strikers to discuss the issues of the strike and answer some of the false charges made against them was frowned upon.

Such things make up an incomplete record of what the local authorities have and have not done. Strikers have been arrested to the number of nearly 100, but in most instances the charges, except that of disobeying the seriously questioned "parade" ordinance, have died a-borning.

In fact, the only people charged with the destruction of the strikers' property have been 10 or 12 strikers who were there to guard the building and who were overpowered.

#### RODE WITH BEAL

The authorities have felt that the danger lay on the side of the strikers, but in no instance has any of them injured anyone or destroyed any property, while the record of the other side is not so clear.

Blythe, the newspaper man who was assaulted, is not accused of committing any crime except being upon the sidewalks, and serious efforts to justify the assault are made by the city, county, and mill officials on the ground that he was seen in an automobile with Beal.

Maj. A. L. Bulwinkle, attorney for the mills, promptly appeared as attorney for the officers who assaulted Blythe, and the men were very promptly given jobs as mill guards.

A regular city policeman, who rendered the features of a 42-year-old woman, who, like most women who have worked long in the mills, looks 20 years older than she is, almost unrecognizable was retained in the city's service and the only legal action against him was instituted by the woman herself.

It is admitted that men of disreputable characters have been employed as deputies, but that is justified on the ground that no others can be secured, only \$3 a day being offered for the services.

#### LEGION REMAINS CALM

However, not all of Gastonia has become excited. H. G. Cherry, State commander of the American Legion, resisted all efforts to involve the Legion in the affair and issued a statement in which he declared that while the Legion resisted all attacks upon the Government from within or without, that it was not in the province of the organization to take part in labor disputes.

The strike can not be regarded as anything more or less than the surface symptoms of a serious condition which must be dealt with in a serious way. When people are so concerned with their grievances that they will follow any leadership for the redress of their grievances, the underlying causes must be inquired into.

#### WHAT ABOUT FUTURE?

Mill owners, of course, get no joy out of admitting that wages are too low and hours too long. They get no pride, even if their own mills are affected, out of the "stretch out" system when applied so as to give the worker no share in the benefits.

Most of them are not advocating a law to regulate the industry, as strange as that may sound. It appears almost certain that the next general assembly will adopt the South Carolina 55-hour law and that steps will be taken to see that the law is better observed than is the present one, which no attempt is made to enforce, although the child labor law is well observed.

But it is probable that night work will be curtailed and all children under 16 kept out of the mills. Fortunately business reasons, which dictate a curtailment in production, lead to the same remedies as humanitarian reasons and those things will be done.

As long as competition remains as keen as it is within and without the State any drastic change in wages seems to depend upon improvement in business, although the compilation by the State of accurate data, showing the mills paying above and below the average wages and throwing light upon whether a living wage is paid would be a big help.

#### OWNERS' EYES OPENED

Mill owners themselves are realizing that the worst thing that could happen to North Carolina would be a repetition of the labor trouble that demoralized the same industry in England and in New England, and

efforts will be made to restore the friendly and close relationships of the past, where those relationships have been broken.

The way out may be through the conservative American Federation of Labor. That organization is far more popular than it has ever been in Piedmont, N. C., although there is still a great deal of antagonism to it. David Clark, editor of the Southern Textile Bulletin, perceives essential difference between the two unions, but his attitude is not shared by mill owners generally.

But the mill owners are alive, as they have never been before, to the situation and that is a great step already taken.

#### PUBLIC LAND POLICIES—ADDRESS OF SENATOR NYE

Mr. BROOKHART. Mr. President, I ask leave to have printed in the RECORD an address by the junior Senator from North Dakota [Mr. NYE], chairman of the Committee on Public Lands and Surveys, delivered through the Washington Star Radio Forum.

There being no objection, the address was ordered to be printed in the RECORD.

Senator NYE spoke as follows:

If I understand the purpose of these radio talks to-night, it is expected that Secretary Wilbur and I will afford some little insight into the work and the problems befalling executive agents of the Government and representatives of the people in Congress by virtue of the ownership of millions of acres of lands which are commonly known as the public domain.

The magnitude of this empire of Government-owned lands is best exemplified by a statement concerning the actual acreage in that domain. Public lands over which Uncle Sam still holds ownership aggregate over 818,000,000 acres. In other words, including that in Alaska, there are now 1,279,209 square miles of land in the public domain. This is equal to the combined area of 32 States of the Union. Quite some domain, we must all agree, yet exceedingly small by comparison with what it once was. Over this vast area the Department of the Interior has jurisdiction and administration.

Congress divides its responsibilities just as the executive branch of the Government does. Where the Executive delegates jurisdiction in public land matters to the Secretary of the Interior, both Houses of Congress assign first responsibility of their legislative duties with relation to public lands to their respective committees on public lands. Consequently, members of these committees, like myself, have much in common with the Interior Department and its Secretary. (When I say there is much in common, I sincerely hope the conclusion will not be drawn that these interests are always in common. The public will recall that the interests and motives of the Senate Committee on Public Lands was quite thoroughly in conflict with the interests and motives of a certain Secretary of the Interior Department.)

The duties of the Public Lands Committee and the Interior Department, while concerned with the same general subject, are, nevertheless, vastly different. The one deals with legislating and lays down the laws governing the public domain, while the other has the more direct touch through the administration of those laws. Yet, while there is this difference, the duty, in the main, of both Congress and the Executive is clearly one of guarding jealously the administration and disposition of the lands themselves which are involved in this great national domain and which have been proven holdings of exceedingly great wealth.

To the Committee on Public Lands in the Senate are referred bills and resolutions having to do with the public domain. It may be surprising to know how many such bills and resolutions there are. In the last Congress 246 bills and resolutions were referred to the Senate Committee on Public Lands and Surveys. It might be of interest to my hearers to know that the committee, during the last Congress, reported favorably approximately 150 bills, of which 136 became law. Of all bills reported only five failed to receive Senate consideration.

These bills embrace legislation covering leases, permits, exchanges, and sale of public lands; clearing title; establishment and maintenance of national parks and monuments; establishment and compensation of land-office officials; authorizing the use of public lands for aviation fields and other purposes; granting portions of the public domain to the States; providing for and protecting the national watersheds; promoting and developing resources; authorizing roads in the national parks, and numerous other activities.

The importance of and interest in national park affairs grows each year. Until recently they have received but little attention by Congress and its committees. Ultimately they will become major considerations, as they should be even now.

There are few activities of Government which come so close to the people as that involving national parks. They are permanent playgrounds intended for the recreation of all people. Under the urging of such men as Stephen T. Mather, Congress has set apart areas noted for their natural scenic wonders and beauties, and in many instances for their historic setting. Thousands of tourists visit these parks to enjoy the marvels of nature which the Government has thus preserved, and their number increases annually.

Up to the present time, the expense of parks to the Government, comparatively speaking, has been exceedingly nominal. Indeed, we have

been too conservative. Public money has been largely supplemented by private subscriptions in park-development work. The Government has been fortunate in the caliber of men who have been attracted to the Park Service, men like Mr. Mather and Horace M. Albright, present Director of the National Park Service, whose contributions to the cause this generation can not fully realize.

As Congress awakens to the part the parks are playing in the national life there is bound to be accorded a greater measure of support and encouragement. The Senate Committee on Public Lands and Surveys at the present time is giving much thought and study to the further development and extension of the Park Service.

Our parks are now quite confined to those far Western States between the Rockies and the Pacific. This invites a measure of criticism from and in behalf of those millions whose incomes do not permit them to go so far to enjoy the wonders and advantages of nationally supervised parks. Also, there is complaint of the absence of national parks available for use in the long winter months. Consequently, there is considerable agitation for more parks, to be more widely scattered through the entire country, and there are proposals for the establishment of new parks in scenic and interesting spots in Florida, North and South Dakota, Arkansas, Tennessee, Virginia, and elsewhere.

The natural growth of our population itself dictates the need for more parks, and farsightedness would seem to dictate the acquiring of these areas which are of merit while the cost of acquisition is negligible and before the natural scenic wonders therein are lost through greed and carelessness. The establishment of the new Grand Teton National Park in Wyoming by the last Congress has been so favorably received as to indicate the readiness of the people for park extensions.

Much can be expected in park development in the near future. In response to present and anticipated future needs, Congress has already authorized the closest study of the Park Service and park needs. The Senate, by resolution, has directed the Committee on Public Lands to make general and close survey of parks and proposed parks, and in accordance therewith the committee will visit a number of the established and proposed parks this fall. This will be of great help in bringing about the enactment of legislation for park development.

In former times the Public Lands Committees of Congress were counted of lesser importance. That was before parks became so prominent, and before the time of the committees was taken up by duties which in late years have made the Senate Committee on Public Lands and Surveys one of the most active of that body.

Working under Senate resolutions during the past six years, the Senate Public Lands and Surveys Committee has been almost constantly engaged in conducting investigations into the administration of the public domain and its resources. Dishonest disposal of great reserves and resources of oil lands under the administration of Secretary Fall and in behalf of such unscrupulous patriot plunderers as Stewart, Sinclair, Doheny, Blackmer, and O'Neill is too generally known to call for repetition at this time—novel, clever, and romantic as the story is.

There has been much criticism of Senate investigations. They have been made the targets of many sharp shafts, but to those who will admit facts the investigations disclosing the oil scandals have been of the greatest merit. That there was occasion for these investigations must be admitted. That Senator La Follette was both student and prophet when he fought the leasing act of 1920, and later demanded investigations, can not now be denied. And there must be quite general approval of the results accomplished by them.

It was and now is the duty of Congress to guard jealously the public domain and its resources. Its suspicions led to inquiries disclosing that trusted Government officials were betraying their trust and building the most repulsive and crooked trail corruption, fraud, conspiracy, and bribery ever laid. The story of these oil scandals when finally written is bound to constitute the blackest page in all our history.

While the investigations have brought several of the guilty to the bar of justice, that bar has not been high enough to keep them from jumping over and free of the penalty of the law. This the guilty have accomplished by the aid of technicalities, expensive lawyers, expensive and crafty detectives to influence juries, and the unmerited prestige so often won by great wealth. As a result of these court actions I have often remarked at the seeming impossibility in the present era of convicting criminals who have great wealth to swing into play in their own defense.

Discouraging and disgusting has been the failure to make Fall, Sinclair, Stewart, and the others suffer the same penalty and degree of justice that would have gone to them had they been men of lesser means. But, after all, they have paid dearly, all of them. Fall would undoubtedly give his very life if his slate could be wiped clean, as would Doheny. Sinclair and Stewart have lost the confidence of their associates. One faces a term in jail. The other has lost the position at the head of one of our greatest industrial enterprises, worth more to him, no doubt, than all his worldly possessions. And Blackmer and O'Neill have fled the country, are dodging their own shadows, men without a country, because they would not face the music. Certainly it must all be punishment as severe as would be long terms in prison.

The investigations by the Senate are probably not finished. Still effective is the resolution calling for investigation of the frauds alleged involved in the acquisition of areas of the public domain in Wyoming known as the Salt Creek field by the oil interests, whose record does not erase suspicions. The committee has delegated the further conduct of this inquiry to the Department of Justice, and much remains to be done in the way of investigation by that department or by the committee before there can be conclusion as to the merit of the charges which have been made. The value of recovery of this field would put the oil Teapot Dome values to shame.

The Salt Creek oil field covers an area of not more than 5 by 8 miles, but in this field are over 2,300 producing oil wells. It is recognized as one of the richest oil fields known, and this property was leased by the Government under Secretary Fall. That there were endless frauds perpetrated in the scramble for rights in this field is well known, but it is possible that the leasing act of 1920, assailed as it was at the time of its enactment, may be the salvation of those whose fraudulent practices won them the great resources involved.

No member of the Senate committee has any desire to go on investigating for the sake of investigating, for it has been most trying and confining work, leaving little or no time for attention to other important legislative matters in which Members have a keen interest. However, I am given to feel that the committee must carry on until it has exhausted its subject and satisfied itself that it has fully fulfilled the duties imposed by the resolution under which it operates. Certainly the committee should not want to seem to give a clean face to this subject if, as is possible in after years, it is to be disclosed that there were gross frauds practiced which, had they been uncovered at this time, would have restored to the Government resources valued far into the millions.

What has been the result of these oil investigations which have been so severely criticized?

Well, first there has been accomplished greater caution in the administration of the affairs of the public domain.

Second, there has been an awakening to the methods of men with ulterior purposes to serve in their relation to the great national parties and their campaign funds.

Third, there has been awakened the conscience of the oil industry itself, which has taken some splendid steps in more recent months in cleansing itself of such agents and leaders as Stewart.

Fourth, there has been restored to the Government reserves and resources valued most conservatively at about \$60,000,000.

Fifth, there has been a direct monetary return to the Government through recovery of profits taken from the public domain by fraudulent practices. The courts now have the case calling for recovery of the gains taken from Salt Creek under fraudulent contracts. The Stewart-Sinclair-Blackmer-O'Neill engineered Continental Trading Co. wing of the inquiry has brought into the Treasury of the United States in the form of taxes in excess of \$2,000,000. The recovery from the naval-reserve actions amounted to more than \$47,000,000.

Were these accomplishments worth while? How much of the public money has it cost to conduct the investigation? In round numbers, \$70,000, which covers a period extending over six years. Stewart and Sinclair themselves would call that a pretty good investment after reviewing the returns. Certainly the money spent for the investigations can not be said to have been wholly squandered. The ledger would seem to show the Government far ahead as a result of the investigations, out of which there is bound to come legislation which will make it less easy to acquire these oil lands from the Government and repeat in other fields what has been practiced, for example, in Salt Creek. The fact is that it is much more difficult for a man to file upon and fulfill the requirements to win title to a homestead in this country than it is for the oil pirates to acquire rights upon the public domain to prospect for and develop oil properties and profits.

In addition the investigations point to the need of more attention to business by the Government and closer guarding of its interests and resources. They indicate also the need for a thorough shake-up in the Interior Department and the institution of a great program of conservation of our public resources in oil, lest they be depleted at a time when their worth is far less than they are bound to be in days of greater need.

It has been a great source of pleasure and encouragement to observe the early steps taken by President Hoover to ward against further oil scandals, to effect a cleaning of the Interior Department, to carry on against those who have defrauded the Government in connection with these matters, and to institute that necessary program of conservation. Drastic, indeed, was his action canceling thousands of applications for prospecting permits, yet the situation was one calling for drastic action. He has tied a tight knot, binding that bag which holds this great resource belonging to all the people. There may be need for some little loosening of that knot which the President has tied, lest the result be one penalizing the consuming public and rewarding the very corporations which have been exploiting the public domain. 'Tis far better to have to loosen the knot than it would be to have nothing left to guard by tying a knot.

It is evident that the public domain is in line for something new in the way of administration. It can stand it, and I personally rejoice in this prospect.

#### DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. PHIPPS].

Mr. BLACK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BLACK. I thought the amendment I had offered was the pending amendment.

The VICE PRESIDENT. The Chair is informed that the pending amendment is the amendment proposed by the Senator from Colorado.

Mr. McKELLAR. Mr. President, may the amendment be stated?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 9, line 15, after the word "questions," it is proposed to strike out the remainder of the line;

On page 9, line 17, to strike out "\$500" and insert "\$100";

On page 9, line 18, to strike out "one year" and insert "60 days"; and

On page 9, line 18, after the word "both," to strike out the period, insert a comma and the following: "and any such person who shall willfully give answers that are false shall be fined not exceeding \$500 or be imprisoned not exceeding one year, or both."

Mr. PHIPPS. Mr. President, thanks to the courtesy of the Senator from Alabama [Mr. BLACK], who has allowed me to have the amendment pending, I will state briefly the purpose is to distinguish between those who neglect to answer questions that are propounded to them and those who willfully and knowingly give false replies to questions. I wish to say that a minimum fine of \$100 or 60 days' imprisonment is in accordance with the terms of the last law on this subject, but in the proposed law as written the penalties were raised without distinguishing between those two classes of offenses.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. PHIPPS. I yield.

Mr. McKELLAR. I understand the Senator's amendment merely proposes to reduce the penalties imposed on those who do not willfully violate the law? Is that the idea?

Mr. PHIPPS. The amendment proposes to apply the same penalties provided in the existing law to those who neglect to answer questions and proposes to increase the penalties in the case of those who willfully or knowingly give false answers.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PHIPPS].

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I send to the desk another amendment, which I ask may be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 10, line 9, it is proposed to strike out "\$5,000" and insert "\$1,000."

Mr. McKELLAR. Mr. President, will the Senator from Colorado explain that amendment?

Mr. PHIPPS. Mr. President, the bill as written proposes to impose a penalty of a fine not exceeding \$5,000 in cases where any individual, committee, or other organization of any kind whatsoever, offers or renders to any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other officer or employee of the Census Office engaged in making an enumeration of population, either directly or indirectly, any suggestion, advice, or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. SWANSON. Mr. President, what does the amendment propose to accomplish?

Mr. PHIPPS. It proposes to make the maximum fine \$1,000 instead of \$5,000.

Mr. McKELLAR. Reducing the maximum fine from \$5,000 to \$1,000.

Mr. SWANSON. It seems to me that the penalty for an offense as grievous as that of perpetrating fraud in connection with the taking of the census should not be reduced below a maximum fine of \$5,000. I think severe penalties ought to be

provided against fraud in the taking of the census, especially when it affects the representation in Congress and the electoral votes for President. The House, when it passed a similar bill, provided a penalty of \$5,000, as I understand, and I can see no reason for reducing the maximum below \$5,000. Some very glaring cases of fraud might develop.

Mr. JOHNSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. PHIPPS. I yield.

Mr. JOHNSON. The reason why I was perfectly willing to accept the amendment of the Senator from Colorado is that the offense, as Senators will observe from the bill, is a very singular one. The offense is offering or rendering any suggestion, advice, or assistance in connection with the taking of the census, with the intent or purpose of causing an inaccurate enumeration of population. It is the creation of a new and not a very heinous offense, and, so far as I am concerned, I think a penalty of \$1,000 would be ample.

Mr. SWANSON. If a man shall enter into a conspiracy to get one of the supervisors to increase the return as to the population so as to make it greater than it is under any circumstances, he ought to be fined more than a thousand dollars.

Mr. JOHNSON. It does not refer to entering into a conspiracy. It provides that any one who offers or renders to a census official any suggestion, advice, or assistance with the intent or purpose of causing an inaccurate enumeration of population, and so forth, shall be guilty of a misdemeanor and fined. However, it is wholly immaterial to me. If the Senate desires to insert the maximum fine of \$5,000 I care not, but the addition of punishment for penal offenses, generally speaking, does not commend itself to me.

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PHIPPS. I yield.

Mr. LA FOLLETTE. I should like to suggest that the imposition of the penalty is left to the discretion of the court. If the offense is a grave one, if the fraud, if fraud there should be, should be on a large scale, it seems to me that \$5,000 would not be too severe a penalty.

Mr. PHIPPS. Mr. President—

Mr. SWANSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. SWANSON. I thought I had the floor.

Mr. PHIPPS. I believe I yielded to the Senator.

Mr. SWANSON. The question was about to be put on the amendment when I asked to be recognized.

The VICE PRESIDENT. The Senator from Colorado yielded for a question.

Mr. SWANSON. We were about to vote when I wanted to know what it was we were to vote on.

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. PHIPPS. I will yield in a moment. I merely wish to make a suggestion. It seemed to me that the proposed fine was excessive, and I thought it should have further consideration by the conferees. I submitted it to the Senator in charge of the bill, and, after conferring with some of the members of the committee I believe, it appealed to him as an amendment that should be made by the Senate. I am perfectly willing to have a vote on it, or I will yield to the Senator from Virginia for any statement he may desire to make.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. PHIPPS. I yield.

Mr. HARRISON. What was the penalty fixed in 1911 following the census of 1910?

Mr. PHIPPS. I do not find that this particular language was in the bill which was passed at that time, or that that bill covered the particular offense against which a penalty is here imposed.

Mr. HARRISON. Were the penalties carried in the House bill of the last session greater than those in prior census bills?

Mr. PHIPPS. That was my impression after looking the matter up.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SWANSON. Mr. President, it seems to me that this amendment ought not to be adopted. The census, involving the necessity of accuracy, of fairness, and of justice, is to be taken,

not by Congress but by people appointed under the executive department. To say that under no circumstances, regardless of the extent of any fraud which might be perpetrated, regardless of the extent of conspiracies to commit fraud in connection with the census for the purpose of securing increased representation and increased political power in the Electoral College, should there be a fine in excess of a thousand dollars seems to me inappropriate to the crime which might be committed. There might be glaring cases of fraud as a punishment for which a fine of \$1,000 would be entirely adequate.

The bill now provides that the penalty shall not exceed \$5,000. As suggested by the Senator from Wisconsin, I can conceive of cases in which glaring evidence of fraud and of conspiracy are brought out of such a gross nature that a penalty of \$5,000 would be small indeed. Under the bill Congress can not correct frauds which may be committed; Congress is left completely at the mercy of the Executive, and I think that every protection that is possible should be thrown around the taking of the census and every precaution adopted against the commission of fraud and the taking of an inaccurate census. I think a fine of \$5,000 as a maximum is not excessive.

Mr. GEORGE. Mr. President, may I call the attention of the Senator from Colorado to the fact that no imprisonment is provided. This particular offense is made punishable only by the imposition of a fine, and no term of imprisonment is prescribed.

Mr. PHIPPS. That is correct.

Mr. GEORGE. If there is to be a new offense created carrying with it a fine of not exceeding \$5,000, or \$1,000, there should also be provided, it seems to me, the additional penalty of imprisonment for some term.

Mr. PHIPPS. Mr. President, from my study of the bill during the little time I have been able to devote to it, it seemed to me that that was a debatable question, and my purpose in offering the amendment was to get it into conference between the Senate and the House so that it might be given further consideration.

Mr. HARRISON. Mr. President, this amendment is more important than one would think it to be, because this is a peculiar bill. It is a bill that is intended to give to the President the power to make the apportionment of Representatives in this country. That is what it does. I care not what the distinguished and eloquent Senator from Michigan [Mr. VANDENBERG] may say about it, there can not be read into the bill any other interpretation. Some of the great metropolitan newspapers of the country may hold up those of us who are opposed to the legislation as trying to nullify the Constitution, but they say nothing about those advocates of the measure who are attempting to fix an apportionment in this country based upon a census that has as yet not been taken as nullifiers of the Constitution. I submit that it is a violation of the Constitution to delegate power to the President to make an apportionment on a census not yet provided for.

I have pointed out, as other Senators have pointed out, the possibility of fraud under this bill in the taking of the census. We have called the attention of the Senate to the fact that in 1910, in 1900, and in prior census years there have been great fraud and corruption shown; in fact, Senators will remember that in 1900 fraud was perfectly apparent and palpable. It was practiced to such an extent that enumerators in Maryland went out into the cemeteries and gathered the names from the tombstones in order to pad the returns of certain districts. I submit that something of the same kind may be done under the census soon to be taken. Indeed, when Congress was going to pass the apportionment bills upon the basis of the census that was to be taken there was reason to suppose that the Congress might investigate these frauds and these corruptions; but under the terms of this bill, giving power to the President to make the apportionment—and he must make it—he has to make it by the 5th day of March, 1931, if the Congress fails to act within the 75 days that it meets in the short session of 1930. Then he must put it into effect. It matters not how glaring may be the frauds; it may be that the corruption stinks to high heaven; but he must put it into effect, and give to those districts apportionment upon the frauds that are shown here.

So I say that to reduce the penalty now is but an encouragement of frauds in this instance; and it would seem to me that if we are going to give to the President and to the Director of the Census the power to make the apportionment, to make his returns, and to scale down the figures as he did in 1910, taking away from four States a Representative to whom they were entitled, we are likely to have a repetition of what occurred then, when one man in the department, who was chairman of the advisory committee, Doctor Wilcox, deliberately—yes; I

say deliberately—reduced the major fractions in those four instances and took away this Congressman to whom they were entitled. So, I submit, if you are going to do all that, unprecedented and unconstitutional as it may be, you ought to impose greater penalties instead of reducing the penalties in this instance. Are you going to encourage those who might take the enumeration to believe that there can not be any adequate safeguard against fraud, or that the penalty that may be imposed will be very little?

I am opposed to the amendment.

Mr. WAGNER. Mr. President, will the Senator yield for a question?

Mr. HARRISON. I yield to the Senator from New York.

Mr. WAGNER. The Senator referred to the Maryland case; and I take it the Senator recalls that the enumerators appointed who were guilty of the fraud to which the Senator refers were appointed as a result of the spoils system—that is, merely upon the recommendation of political leaders, without any reference to the civil service law.

If the Senator will permit me, I should like to read what the Federal grand jury which investigated this fraud said in reference to these political appointments—the same sort of appointments that are provided for in the pending bill.

After disclosing the frauds to which the distinguished Senator from Mississippi referred, the grand jury said:

So long as such appointments are treated as part of the spoils of politics, the recurrence of such frauds and scandals as have been revealed in our investigation may be expected to continue.

I thank the Senator.

Mr. BLEASE. Mr. President, since the adoption of the fourteenth and fifteenth amendments to the Constitution of the United States there has been a great deal of criticism, both in this body and elsewhere, of the 11 Southern States which formed the Confederacy. It has been charged that these States employ methods which nullify certain provisions of the above-cited sections of the Constitution, and for this reason they have been continually threatened with a decrease in the number of Representatives allotted to them in Congress by invoking section 2 of the fourteenth amendment. Congress has never attempted to exercise the power conferred upon it by this section, and well may it pause before doing so.

The fourteenth amendment provides that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. It also prohibits any State from abridging their privileges or immunities.

The fifteenth amendment states that the right of citizens to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

Everyone familiar with American history knows the motives which prompted and the circumstances which surrounded the adoption of these amendments. The Supreme Court of the United States has indicated time and again in numerous decisions the extent to which a State may go in determining the qualifications for suffrage.

The Constitution says:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

If Congress votes that there shall not be more than 435 Representatives, the present number, the 435 must be distributed among all the States according to the population.

The Federal census of 1920, which contains the latest official figures available, shows that there were 7,427,604 unnaturalized aliens in the United States at that time. Of this number, only 411,396 were inhabitants of the Southern States. There were 13,739 in the District of Columbia, and 7,002,469 in the other States.

By using the divisor 211,877, each State procured during the last apportionment in 1910 one Representative for each full quota (211,877 being taken as the population of a congressional district) and one for each major fraction. No apportionment has been made since this date, and if the House membership remains at 435 the increase in population will be met by a corresponding increase in the quota to be taken as the population for a congressional district.

In the face of these figures we are brought to a startling conclusion. The 7,427,604 unnaturalized aliens, who have no right to vote in any election in this country, have 35 Congressmen in the House of Representatives making laws for the government of the American people, and they have 35 votes in the Electoral

College, which is easily the balance of power in the selection of the American President and Vice President.

It is significant that the Southern States have only two, while the other States have 33 of these Congressmen and electoral votes. If this situation is remedied, as it should be, the representation of the Southern States in Congress will be decreased by two, while that of the other States will be cut approximately 33, with a corresponding decrease in the number of votes in the Electoral College.

The alien enjoys a peculiar advantage in the United States. He is entitled to the equal protection of the laws by the fourteenth amendment, which provides that no State shall deny to any person within its jurisdiction the equal protection of the laws. He can not be deprived of life, liberty, or property without due process of law. He has 35 Representatives in Congress and 35 votes in the Electoral College. He has 6,493,088 foreign-born naturalized kinspeople in the United States, according to the 1920 census, with all rights of citizenship, including suffrage, and 31 Representatives in Congress, and an equal number of votes in the Electoral College.

Despite the fact that there are thousands of aliens in this country who can never become citizens, according to our laws, because of their nationality—for example, the Chinese—yet those who cry loudest for decreasing the representation of the

South hardly speak above an audible whisper when an amendment is proposed to the Constitution excluding aliens in counting the whole number of persons in each State for the apportionment of representation. The reason is clear.

According to the Federal census of 1920 there were 10,463,131 negroes in the United States, practically all of whom were native-born citizens. Of this number, 8,055,760 were inhabitants of the Southern States, giving those States 38 Representatives in Congress and a like number of votes in the Electoral College. There were 109,966 in the District of Columbia, and a total of 2,297,405 in all the other States, giving the latter States 11 Representatives in Congress and an equal number of votes in the Electoral College.

In view of these facts and figures, it is desired to submit herewith the following tables.

Mr. President, I submit a table furnished by the Bureau of the Census, which I ask to have printed in the RECORD. I do not care to take the time of the Senate to read it. I also submit a part of the hearings before the Committee on the Judiciary of the House of Representatives, February 13, 14, and 18, 1929.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

*Native, foreign-born, and negro population, by States, 1920, with estimated total population, January 1, 1930*

State	Estimated population, Jan. 1, 1930	Census of 1920				Native white population, 1920	Negro population, 1920
		Total population, Jan. 1, 1920	Native population	Foreign-born population			
				Naturalized	Not naturalized		
United States.....	122,537,000	105,710,620	91,789,928	6,493,088	7,427,604	81,108,161	10,463,131
New England:							
Maine.....	800,000	768,014	660,200	42,768	65,046	658,346	1,310
New Hampshire.....	458,000	443,083	351,686	38,147	53,250	351,098	621
Vermont.....	1,352,428	352,428	307,870	21,086	23,472	307,291	572
Massachusetts.....	4,367,000	3,852,356	2,763,808	459,321	629,227	2,725,990	45,466
Rhode Island.....	736,000	604,397	429,208	82,276	92,913	420,481	10,036
Connecticut.....	1,717,000	1,380,631	1,002,192	144,805	233,634	982,219	21,046
Middle Atlantic:							
New York.....	11,755,000	10,385,227	7,559,852	1,216,185	1,609,190	7,385,915	198,483
New Jersey.....	3,939,000	3,155,900	2,413,414	320,935	421,551	2,298,474	117,132
Pennsylvania.....	10,053,000	8,720,017	7,327,460	597,227	795,330	7,044,876	284,508
East North Central:							
Ohio.....	7,013,000	5,759,394	5,078,942	307,527	372,925	4,893,196	186,187
Indiana.....	3,220,000	2,930,390	2,779,062	66,351	84,977	2,698,203	80,810
Illinois.....	7,555,000	6,485,280	5,274,696	667,055	543,528	5,092,382	182,274
Michigan.....	4,754,000	3,668,412	2,939,120	345,709	383,583	2,874,992	60,082
Wisconsin.....	3,009,000	2,632,067	2,171,582	256,597	203,888	2,156,810	5,201
West North Central:							
Minnesota.....	2,781,000	2,387,125	1,900,330	328,421	158,374	1,882,772	8,809
Iowa.....	2,433,000	2,404,021	2,178,027	156,593	69,401	2,158,534	19,005
Missouri.....	3,544,000	3,404,055	3,217,220	108,063	78,772	3,039,018	178,241
North Dakota.....	641,192	646,872	515,009	96,680	35,183	508,451	467
South Dakota.....	716,000	636,547	554,013	56,990	25,544	536,756	832
Nebraska.....	1,428,000	1,296,372	1,145,707	92,243	58,422	1,129,567	13,242
Kansas.....	1,847,000	1,769,257	1,658,290	62,458	48,509	1,598,328	57,925
South Atlantic:							
Delaware.....	248,000	223,003	203,102	8,405	11,496	172,805	30,335
Maryland.....	1,645,000	1,449,661	1,346,482	52,016	51,163	1,102,560	244,479
District of Columbia.....	572,000	437,571	408,206	15,626	13,739	298,312	109,066
Virginia.....	2,622,000	2,309,187	2,277,482	15,181	16,524	1,587,124	690,017
West Virginia.....	1,770,000	1,463,701	1,401,596	15,122	46,983	1,315,329	86,345
North Carolina.....	3,005,000	2,559,123	2,551,851	3,453	3,819	1,776,680	763,407
South Carolina.....	1,896,000	1,683,724	1,677,142	3,243	3,339	812,137	864,719
Georgia.....	3,258,000	2,895,832	2,879,268	8,912	7,652	1,672,928	1,206,365
Florida.....	1,489,000	968,470	914,606	17,965	35,899	595,145	329,487
East South Central:							
Kentucky.....	2,577,000	2,416,630	2,385,724	18,972	11,934	2,149,780	235,938
Tennessee.....	2,531,000	2,337,885	2,322,237	8,101	7,547	1,870,515	451,758
Alabama.....	2,612,000	2,348,174	2,330,147	9,059	8,968	1,429,370	900,652
Mississippi.....	1,790,618	1,790,618	1,782,210	3,860	4,548	845,943	935,184
West South Central:							
Arkansas.....	1,978,000	1,752,204	1,738,067	7,841	6,296	1,265,782	472,220
Louisiana.....	1,977,000	1,798,509	1,752,082	15,920	30,507	1,051,740	700,257
Oklahoma.....	2,496,000	2,028,283	1,987,851	20,145	20,287	1,781,226	149,408
Texas.....	5,633,000	4,663,228	4,299,396	77,535	286,297	3,557,646	741,694
Mountain:							
Montana.....	548,889	548,889	453,298	60,181	35,410	440,640	1,658
Idaho.....	567,000	431,866	391,119	24,982	15,765	386,705	920
Wyoming.....	257,000	194,402	167,835	12,654	13,913	164,891	1,375
Colorado.....	1,116,000	939,629	820,491	64,738	54,400	807,149	11,318
New Mexico.....	402,000	360,350	330,542	6,352	23,456	305,596	5,733
Arizona.....	499,000	334,162	253,596	11,960	68,606	213,350	8,005
Utah.....	545,000	449,396	390,196	34,601	24,599	385,446	1,446
Nevada.....	177,407	77,407	61,404	6,446	9,557	55,897	346
Pacific:							
Washington.....	1,628,000	1,356,621	1,091,329	140,426	124,866	1,069,722	6,883
Oregon.....	923,000	783,389	675,745	57,726	49,918	666,905	2,144
California.....	4,765,000	3,426,861	2,669,236	304,228	453,397	2,583,049	38,763

<sup>1</sup> Population Jan. 1, 1920; no estimate made.

<sup>2</sup> Population State census 1925; no estimate made.

State	Total popular vote for President and Vice President, 1928	Number of Representatives
<b>New England:</b>		
Maine.....	262,171	4
New Hampshire.....	196,747	2
Vermont.....	135,191	2
Massachusetts.....	1,577,827	16
Rhode Island.....	242,784	3
Connecticut.....	553,031	5
<b>Middle Atlantic:</b>		
New York.....	4,466,072	43
New Jersey.....	1,549,381	12
Pennsylvania.....	3,150,615	36
<b>East North Central:</b>		
Ohio.....	2,508,346	22
Indiana.....	1,421,314	13
Illinois.....	3,107,489	27
Michigan.....	1,372,082	13
Wisconsin.....	1,016,872	11
<b>West North Central:</b>		
Minnesota.....	970,976	10
Iowa.....	1,009,362	11
Missouri.....	1,500,721	16
North Dakota.....	238,867	3
South Dakota.....	261,865	3
Nebraska.....	547,138	6
Kansas.....	713,200	8
<b>South Atlantic:</b>		
Delaware.....	105,891	1
Maryland.....	528,348	6
Virginia.....	305,358	10
West Virginia.....	642,752	6
North Carolina.....	636,070	10
South Carolina.....	68,605	7
Georgia.....	229,159	12
Florida.....	253,674	4
<b>East South Central:</b>		
Kentucky.....	940,604	11
Tennessee.....	363,473	10
Alabama.....	248,982	10
Mississippi.....	151,692	8
<b>West South Central:</b>		
Arkansas.....	197,693	7
Louisiana.....	215,833	8
Oklahoma.....	618,427	8
Texas.....	708,999	18
<b>Mountain:</b>		
Montana.....	194,108	2
Idaho.....	154,230	2
Wyoming.....	84,496	1
Colorado.....	392,242	4
New Mexico.....	118,014	1
Arizona.....	91,254	1
Utah.....	176,604	2
Nevada.....	32,417	1
<b>Pacific:</b>		
Washington.....	500,840	5
Oregon.....	319,942	3
California.....	1,796,656	11
<b>Total.....</b>	<b>36,879,414</b>	<b>435</b>

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, SEVENTIETH CONGRESS, SECOND SESSION, ON H. J. RES. 102 AND H. J. RES. 351, SERIAL 38, FEBRUARY 13, 14, AND 18, 1929

The CHAIRMAN. The committee would like to have the figures for all of the States.

Mr. HOCH. I shall be glad to furnish them.

The CHAIRMAN. They will have a determining influence upon our minds as to the exclusion of aliens, because it will affect the total number of Representatives.

Mr. HOCH. Yes. I do have here an apportionment of the House of Representatives at 435, as prepared for me by the Census Bureau, upon the basis of the exclusion of aliens as compared with the apportionment including the aliens, which table I here present for the record.

The CHAIRMAN. Presenting the contrast with and without?

Mr. HOCH. Yes; I have it here in table form.

Mr. DOMINICK. Is that based upon the 1920 census?

Mr. HOCH. This is based upon the 1920 census. This is headed—

"Table showing a reapportionment of 435 Representatives in Congress on the basis of the total population as compared with a reapportionment based on the population exclusive of the foreign born who have not become naturalized. It is based on the census of 1920 and the method of 'major fractions' was used."

This table which I submit for the record shows that 16 States (one-third of the States of this Union) would be affected if we were to reapportion to-day upon the 1920 census, excluding the aliens as compared with the inclusion of the aliens. If we were reapportioning to-day upon the 1920 census, in other words, we would find that if we excluded the aliens there would be 16 States of the Union which would have a different representation in the House of Representatives than they would have if we included the aliens under the 1920 census. Those 16 States, if the committee is interested here, I may name—and bear

in mind that this is a comparison between a reapportionment under the 1920 census, excluding the aliens and including aliens:

Arkansas, instead of retaining its present number of Congressmen, would gain one.

California, instead of gaining three, would gain two.

Connecticut, instead of gaining one, would remain the same.

Georgia, instead of remaining the same, would gain one.

Indiana, instead of losing one, would remain the same.

Kansas, instead of losing one, would remain the same.

Kentucky, instead of losing one, would remain the same.

Louisiana, instead of losing one, would remain the same.

Mississippi, instead of losing one, would remain the same.

Massachusetts, instead of remaining the same, would lose two.

Missouri, instead of losing two, would lose one.

Nebraska, instead of losing one, would remain the same.

New Jersey, instead of gaining one, would remain the same.

Oklahoma, instead of remaining the same, would gain one.

New York, instead of remaining the same, would lose four.

Pennsylvania, instead of remaining the same, would lose one.

Mr. DOMINICK. The balance of the States not named would remain the same?

Mr. HOCH. The other States, based on the 1920 census, would not be affected. Of course, what would happen upon the basis of the 1930 census is entirely problematical.

(The table above referred to is as follows:)

Table showing a reapportionment of 435 Representatives in Congress on the basis of the total population as compared with a reapportionment based on the population exclusive of the foreign born who have not become naturalized. It is based on the census of 1920 and the method of "major fractions" was used

State	Present membership	Reapportionment on basis of—	
		Total population	Total population, excluding aliens (unnaturalized foreign born)
<b>Total.....</b>	<b>435</b>	<b>435</b>	<b>435</b>
Alabama.....	10	10	10
Arizona.....	1	1	1
Arkansas.....	7	7	8
California.....	11	14	13
Colorado.....	4	4	4
Connecticut.....	5	6	5
Delaware.....	1	1	1
Florida.....	4	4	4
Georgia.....	12	12	13
Idaho.....	2	2	2
Illinois.....	27	27	27
Indiana.....	13	12	13
Iowa.....	11	10	10
Kansas.....	8	7	8
Kentucky.....	11	10	11
Louisiana.....	8	7	8
Maine.....	4	3	3
Maryland.....	6	6	6
Massachusetts.....	16	16	14
Michigan.....	13	15	15
Minnesota.....	10	10	10
Mississippi.....	8	7	8
Missouri.....	16	14	15
Montana.....	2	2	2
Nebraska.....	6	5	6
Nevada.....	1	1	1
New Hampshire.....	2	2	2
New Jersey.....	12	13	12
New Mexico.....	1	1	1
New York.....	43	43	39
North Carolina.....	10	11	11
North Dakota.....	3	3	3
Ohio.....	22	24	24
Oklahoma.....	8	8	9
Oregon.....	3	3	3
Pennsylvania.....	36	36	35
Rhode Island.....	3	2	2
South Carolina.....	7	7	7
South Dakota.....	3	3	3
Tennessee.....	10	10	10
Texas.....	18	19	19
Utah.....	2	2	2
Vermont.....	1	1	1
Virginia.....	10	10	10
Washington.....	5	6	6
West Virginia.....	6	6	6
Wisconsin.....	11	11	11
Wyoming.....	1	1	1

Mr. BLEASE. According to this table the following results would be obtained; and I call your attention to the fact that this comes directly from the Census Bureau. It is not something made up by somebody on guess figures, but it is based on actual figures.

	Gain	Loss
California.....		1
Connecticut.....		1
Indiana.....	1	
Kansas.....	1	
Kentucky.....	1	
Massachusetts.....		2
Missouri.....	1	
Nebraska.....	1	
New Jersey.....		1
Oklahoma.....	1	
New York.....		4
Pennsylvania.....		1
Total.....	6	10
Arkansas.....	1	
Georgia.....	1	
Louisiana.....	1	
Mississippi.....	1	
Total.....	4	

<sup>1</sup> Net loss, 4.<sup>2</sup> Net gain, 4.

Foreign-born population not naturalized, census 1920		
Virginia.....	16,524	
North Carolina.....	3,819	
South Carolina.....	3,339	
Georgia.....	7,652	
Florida.....	35,899	
Tennessee.....	7,547	
Alabama.....	8,968	
Mississippi.....	4,548	
Arkansas.....	6,296	
Louisiana.....	30,507	
Texas.....	286,297	
Total.....	411,396	
All other States.....	7,002,469	
District of Columbia.....	13,739	
Total.....	7,427,604	

Negro population, census 1920		
Virginia.....	690,017	
North Carolina.....	763,407	
South Carolina.....	864,719	
Georgia.....	1,206,365	
Florida.....	329,487	
Tennessee.....	451,758	
Alabama.....	900,652	
Mississippi.....	935,184	
Arkansas.....	472,220	
Louisiana.....	700,257	
Texas.....	741,694	
Total.....	8,055,760	
All other States.....	2,297,405	
District of Columbia.....	109,966	
Total.....	10,463,131	

I invite a close perusal and check-up on these figures by anyone interested, and call attention to the fact that the South has no fear if she is dealt with according to the laws and Constitution, and is given equal rights with other sections of our country.

Mr. President, I also wish to have printed in the RECORD along this line an extract from a hearing before the Committee on Immigration of the Senate held on March 15, 1928. Doctor Hill, who I believe is at the head of the Bureau of Immigration, was on the stand. I read:

Senator BLEASE. Doctor, could you tell from your statistics what the American population was in, say, 1900?

Doctor HILL. I do not recall exactly. It was about 76,000,000.

Senator BLEASE. I am just asking, could it be found?

Doctor HILL. Oh, of course.

Senator BLEASE. And what it is now?

Doctor HILL. In 1900 and now?

Senator BLEASE. Yes.

Doctor HILL. Oh, yes.

Senator BLEASE. And could you tell what percentage of those people had become American citizens and what percentage are in this country remaining not naturalized?

Doctor HILL. You mean what proportion of the foreign-born population has been naturalized?

Senator BLEASE. Yes.

Doctor HILL. Yes; that is in the census.

Senator BLEASE. What I want to find out is, how rapidly the foreign element are becoming voters and how long it will take them to outvote the American people at the present rate they are coming in.

Senator REED. Senator BLEASE, in 1924, when the Immigration act was in committee, statistics were presented that showed the proportion of the foreign born of the different nationalities who had become naturalized. The lowest, as I recall, was that of the Greeks, where 24 per cent of those of Greek birth in this country were naturalized. That ran up until some other nationality showed nearly 80 per cent naturalized.

Senator WILLIS. But that would not show anything about voting. You are showing citizenship and not voting. You are asking about voting, are you not, Senator?

Senator BLEASE. Yes; I am asking about voting.

Senator WILLIS. There is nothing in the census about voting.

Senator REED. No.

Senator BLEASE. What I want to find out is at what rate they are coming in and how long it will take them at that rate to outvote American citizens, or until they are more numerous than are original American citizens.

Doctor HILL. You could not tell that from the census figures.

Senator COPELAND. I suppose we are all in a sense naturalized if we go back far enough.

Senator BLEASE. I was not naturalized; I was born over here.

Mr. President, I wish also to have printed in the RECORD an editorial from The Censor of May 2, 1929, which concludes as follows:

He can not re-create the Republican Party in the Southern States if he permits the negro Republicans to be disfranchised, as they are to-day.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Censor, May 2, 1929]

HOOVER, THE SOUTH, AND THE NEGROES

Some political writers have written a good deal and certain newspapers have printed a vast deal of stuff—probably a lot of it unjustified—about the alleged views and purposes of President Hoover with regard to political conditions in the Southern States and putative plans for "scattering" the Southern States from their "much bedamned Democratic solidarity." We gather from the mass of stuff that there is, or somebody seems to think there is, a sort of half-baked plan in the mind of President Hoover to so shape matters and things in certain of the 11 Southern States that the Republican Party shall have a fair chance of something approaching an even break with the Democrats. In a somewhat indefinite way the idea seems prevalent that Mr. Hoover, in his capacity as master politician, thinks he can take the Republican Party—what there is of it—out of the hands of the negroes and commit it entirely to the control of the "Lily-whites."

The views attributed to if not directly expressed by Mr. Hoover in this relation have been widely discussed by newspapers edited and published by negroes throughout the United States and in papers owned and edited by white persons interested in the betterment of the condition of negroes generally, and especially the general improvement of conditions in the Southern States. No paper has discussed them more intelligently or more directly to the point than has the St. Louis Argus, an exceedingly well-edited negro paper of this city. Here are some of its editorial views:

"We wonder if Mr. Hoover thinks for one moment that the mere fact that such States as Texas, Florida, Virginia, and North Carolina, which gave him a majority vote last November, is an indication that these States are any more Republican to-day than they were a year ago or two years ago? Surely everybody knows that it was a case of voting against rather than voting for. It was against the Catholic Church and liquor and not necessarily for Hoover and the Republican Party. Had not the Democratic nominee been a Catholic, Hoover never would have carried a single Southern State. Surely anybody who thinks at all knows this from a logical conclusion.

"Of course, inasmuch as the Ku-Klux Klan is against the negro as well as the Catholic and the Jew, its members generally use all of their power and influence to see that the negro is removed from leadership in the South; not that it will help one whit in building up two parties in the South, but it's the klan's religion to keep negroes out of public office, because they say that for a negro to hold an office is suggestive of power. Therefore we wonder again just what was in the President's mind. Undoubtedly he is suffering from an illusion of some sort. To our way of thinking, there are some things worse than political spoils going on in the South. We wonder whether or not the President understands that so long as the white people of the South can disregard the very Constitution of the United States with impunity and that as long as the South declares its inability to cope with mob violence or is careless and indifferent to such mob violence, there will never be any hope of a Republican Party in the South? \* \* \*

"The President is willing to use all the powers of the Federal Government to take the little political power from the negro in these States, but he hasn't said a word about using the power of the Federal Government to enforce the United States Constitution as regards the disfranchisement of the negroes and the overrepresentation which the South has in the United States Congress as the results of such disfranchisement."

A great many people will agree with this negro paper. Its editor has the facts pretty well sized up. There are many negroes in the Southern States. They are citizens or they are not citizens. If they

are reckoned with in the congressional apportionment and in the Electoral College, they must be reckoned with at the ballot box, for the American Constitution says so. If Mr. Hoover or anybody else wants to reestablish the Republican Party in the solid (Democratic) South, he must enforce the fourteenth and fifteenth amendments or reduce the representation in Congress and in the Electoral College of the Southern States, as is the mandate of the Constitution. He can not re-create the Republican Party in the Southern States if he permits the negro Republicans to be disfranchised as they are to-day.

Mr. BLEASE. Mr. President, no true friend of the negro race is going to advocate the reduction of the South's representation in Congress, for if he can not vote now, while the South has this representation, how in the name of common sense can he hope to receive the ballot after the South has been deprived of that representation?

With the negro in his present condition, while the South is being allowed that representation, while the colored man is receiving and has the right to vote in the Southern States, if the Congress should say that the negro shall be disfranchised, that the Southern States shall not receive representation on the basis of those who are living in those States, as representation is given to the other parts of the country on the basis of the foreigner who is living there, then I ask any man how he can figure that the Southern States will be led to give the negro the right and the privilege to vote. When those States have been deprived of their representation when the negro did not have the right to vote, why, then, should they give him the right to vote when they themselves have been reduced in their representation by his being allowed to vote? That is a plain, simple question, and the man who wrote the newspaper article to which I have just referred writes along the correct line from his standpoint of the case, for surely you are willing to give to the American-born black man the same consideration in allowing representation that you give the foreign-born alien, be he white, black, or yellow.

Those who pose as the friend of the colored man and yet who seek to cut the representation of the South know full well that when the right to representation is taken away the right to vote will also be taken away, and the negro's doom will be forever sealed so far as suffrage is concerned.

They also know that it is much easier to enact laws than it is to amend or repeal them. But who said that the Republican Party was friendly to the negro? Has not the attitude of the present administration dispelled all doubt of that? And it is nearly four long years until election time.

Anyway, a great many people are going to discover that the South will be willing to lose much more than her mere representation in Congress before she will accept the negro upon terms of political and social equality, irrespective of the attitude of the Republican Party or any other party in this country.

I wish to call attention to the fact now, so that there will be no misunderstanding, that I was opposed to the nomination of Gov. Alfred E. Smith for the Presidency. I did what little I could to prevent his nomination. When South Carolina's name was called in the convention at Houston she cast her 18 votes for her chief justice, Richard Cannon Watts, to keep from going on record as favoring Alfred E. Smith for the Presidency. But when the Democratic Party nominated Governor Smith we went back to the State of South Carolina and we carried it, giving to Mr. Hoover the smallest vote he received in any State, and in proportion South Carolina cast a larger vote against Mr. Hoover than any other State in the Union.

We fought for the principles of Democracy. We stood there in South Carolina for the Democratic Party. We stand there for States' rights. We propose ever to stand for them. However they may be trampled under foot, we do not propose, under any conditions or circumstances, to yield our love and allegiance to Robert E. Lee, Stonewall Jackson, and to the men who fought on the battle fields of Virginia for that great principle. But I warn you gentlemen now that with the negro moving into the Northern States, as he is doing rapidly, an example of which is shown just across at the other end of this building, where the Republican Party has sent one of their number as a Representative in Congress, while you may have carried a few Southern States in the last election, do not permit yourselves to be fooled into believing for one minute that those States are Republican States. You may carry Tennessee; you may possibly switch back into Kentucky, but when you hit the rock-ridden Democracy of North Carolina, Virginia, Florida, and other States that simply went off in the last election because of the Catholicism of Alfred E. Smith, you are going to find that the sons of men who have stood there in the defense of their country, who were born and bred Democrats and know nothing but Democracy, who are opposed absolutely and under all conditions to social equality, will go back next year, they will send the Congressmen back as they have been sending them, and in

1932, when the leaders of the Democratic Party come to their senses and realize that it is mockery to attempt to force upon the people a candidate whom they do not want, by trickery, by fraud, by deception, and by money, before the convention, they will not be throttled, nor will they swallow it, nor will they allow those principles for which they have fought to die because of the fact that a temporary disunion of their forces has caused their loss to the Democratic Party.

#### MABEL JONES WEST—ALABAMA POLITICS

Mr. HEFLIN. Mr. President, the Roman Catholic political machine is operating in my State. This bunch has a little bogus women's political organization down at Birmingham that has all the earmarks of the Roman Catholic political machine upon it. A woman claims to be the duly constituted head of this so-called women's organization, and her name is Mrs. Mabel Jones West. This woman is deceiving and imposing upon the public when she claims to speak for 30,000 white women in Alabama in denouncing me for exposing and opposing Roman Catholic interference with the American right of free press, free speech, and peaceful assembly, and the efforts to destroy religious freedom and the public-school system of the United States. In her Catholic "inspired" statement that she sent here, proposing to repudiate me as a Senator from Alabama, she did not speak for as many as 500 intelligent, patriotic, white women in Alabama. In the Catholic "inspired" and "specially arranged" attitude that she has assumed, she has reflected upon the intelligence and the true Americanism of the white women of Alabama, and I deny that this Mrs. West speaks in any sense for the fine patriotic women of my State. I think the propaganda of this women's bogus organization at Birmingham ought to be investigated along with the investigation suggested by the Senator from Nebraska. I do not know, but it may be that they would find a little power-company money being used down there, together with office-room rent and campaign funds provided by those who hate me for keeping them from killing Alabama boys in a war to restore the Pope to power in Mexico.

When I was making a fight in the Senate to condemn the outrageous conduct of a Roman mob at Brockton, Mass., this new-found political evangel, Mrs. West, took it upon herself, strange to say, to send a statement here repudiating me and pretending to speak for 30,000 women in Alabama. I denounced the so-called organization at the time as being a bogus affair and denied that she had any right to speak for the white women of my State. I have been searching around to find out who sent that Mabel Jones West notice here. I have here a copy of the Diocesan, which says "Devoted to the cause of Catholic truth." I will read the headlines. This paper is published in Toledo, Ohio. We can see their "fine Italian hand" in this political movement in my State. The headlines read:

#### HEFLIN repudiated by women voters.

There is not a word of truth in that. No women voters in my State have repudiated me or ever will do so, and no hirelings in the political party of Rome can mislead or deliver any appreciable number of the white women of my State into the un-American political camps of Rome. The headlines read further:

HEFLIN repudiated by women voters of his own State; pass resolution denouncing his campaign of intolerance against Catholic Church; apologize for his conduct.

Mr. President, I do not need the assistance of that Roman-controlled group and I repudiate their apologies. I will have some of those "who are hiding out now" hunting the tall timber before I get through with them before the people of Alabama. This woman signs herself as chairman of some sort of a league of white women. I never heard of it until she sent that insulting, bogus statement up here to be used by the Roman Catholic Washington Post the very day we voted on the resolution in favor of preserving the American right of free speech and peaceful assembly and denouncing the un-American conduct of Roman Catholics who tried to do violence to an Alabama Senator because he spoke in favor of preserving free government in America for ourselves and our children. Now, who do you suppose sent that very remarkable statement of Mrs. West denouncing me out of Birmingham? This Roman Catholic paper from Ohio, which I had just been reading from, says that it was sent out by the National Catholic Welfare Council News Service—of Birmingham, Ala. That will be interesting to the intelligent and patriotic men and women of Alabama.

I challenged Mrs. M. James West when this Catholic-inspired statement first appeared to show 500 members of her organization out of a population of nearly 3,000,000 people in our State, and I have not heard anything from that challenge yet. I am,

however, receiving letters from men and women from Birmingham and all over the State saying that the organization, if there is one, does not have a hundred members, and that they do not know of anybody who belongs to the organization.

Here is a letter from Birmingham which I trust I will be pardoned for reading. It does not come through this Roman Catholic diocesan paper published in Ohio.

Here is a clipping which I have just received from the Chicago Tribune:

BIRMINGHAM, ALA., May 8.—Under date of April 27 the Tribune carries an article from Birmingham setting forth plans to be perfected in an attempt to defeat Senator HEFLIN in 1930.

As a native Alabamian and a lifelong Democrat I feel that I am in a position to say that any such attempt will prove fruitless. According to my opinion, Senator HEFLIN has not lost an inch of ground, and Alabama stands ready, should he announce again for the highest honors in office that this State may offer, his campaign will be taken care of to his satisfaction, and we are ready to prove to the world when the ballots are counted on election day that Alabama appreciates and knows how to honor Senator HEFLIN—

And so forth. The other portion is so eulogistic of me that I will be pardoned for not reading it.

And the letter is signed "Sallie Osborne Cooper, president of the Birmingham Woman's Democratic Club."

I appreciate that fine letter, and I am glad to say that I am receiving every day letters from all over the State that are not only gratifying but very pleasing to me. Mr. President, one of the newspaper boys asked me the other day if I had anything to say about the denunciation of me as a Senator from Alabama by a Mrs. West, down at Birmingham. I replied that her performance reminded me of a story that Bob Taylor, of Tennessee, used to tell about a crippled mule. He said, "I wish you would give it to me," and I am also going to give it to you. I want to preserve it in the RECORD.

I said this Mrs. West, of Birmingham, does not speak for the intelligent, patriotic, white women of Alabama. She does not in any way represent their views or principles. Her organization is a bogus one. This bogus organization at Birmingham, owned and operated by Mrs. West, serves in a way the same purposes that Bob Taylor's crippled mule did.

One of the mule's hind legs was broken. The farmer wanted to kill the mule, but Mose, a negro, said, "Boss, don't kill him." The farmer said, "But he is of no value; he is worthless." The negro said, "Boss, don't you kill that mule; sell him to me; I will give you \$2 for him." The farmer laughed and said, "Mose, what in the world do you want with a worthless, crippled mule?" Mose replied very solemnly, "Boss, I am goin' to tell you the truth; I want to mortgage him. I will give him in as a bay mule named Pete, 6 years old, and I am not going to say nothing about his broken leg." All that Mose wanted was a mule—crippled mule, any kind of a mule—so he could mortgage him, and he was willing to use such a subterfuge and practice fraud and deception to obtain a little money.

The bogus organization of women, headed by Mrs. West at Birmingham, is now being paraded about the country in the newspapers for the purpose of mortgaging it to the dangerous alien influences that are anxious to get me out of the Senate. Mose had to have some kind of a mule before he could execute a mortgage and obtain money. Mrs. West had to have some kind of an organization of women, even though it existed only in name, before she could get my political enemies, the un-American interests that I have mentioned, interested in her and in her political activities in Alabama.

And, Mr. President, it appears that some sort of a mortgage has been executed already on this bogus organization; for I am informed that Mrs. West, the head of this so-called organization of women, has rented a suite of elegant rooms at the splendid Tutweiler Hotel, at Birmingham, at a cost of \$250 to \$300 a month. The question naturally arises, Who is putting up the money for the swell rooms now being used by Mrs. West as she leads her imaginary organization in opposition to me for reelection? Who is furnishing Mrs. West funds with which to oppose me? How many women in Alabama are proposed to be delivered, and at what price per head? How much does Mrs. West get for her efforts to deliver the votes of white women of Alabama against me for reelection? And at what time and place is she to receive the papal blessing for her services to Rome?

Mr. President, I want the RECORD to show that I am furnishing a copy of that to all the United, International, Universal, and Associated Press machinery in the gallery; and I am going to watch the papers to-morrow, and I want you to watch their papers to-morrow, to see how much of a report they carry of my requested reply to Mrs. West. They gave full publicity to this bogus, ridiculous attack upon me which was wired in

here from Birmingham by the National Catholic Welfare Council News Service. That is the service that this Catholic paper says it came from—date line, Birmingham, Ala. Now, I should like them to show that Senator HEFLIN charged that this first message that came out from Mrs. Mabel Jones West, of Birmingham, came from this National Catholic Welfare Council News Service and that he is strongly of the opinion that Mrs. Mabel Jones West is one of the agents and mouthpieces of the Roman Catholics in their fight against him in Alabama, and that he asserted that some cowardly candidate against him for the Senate, who has not the courage to come out in the open and show his face, is backing her up, and probably furnishing a little of the coin of the realm, and that Senator HEFLIN challenges him to come out in the open. Tell him to be a man and quit hiding behind the skirts of a frail little woman.

I should like for the newspapers to say that for me; and I challenge him, whoever he is, to come out in the open and take the stand that a courageous man would ordinarily take under such conditions.

Mr. President, in this connection I want to reply to a letter sent here a few days ago by Doctor Ryan, a Catholic priest, and read into the CONGRESSIONAL RECORD. I have quoted Doctor Ryan frequently on this floor, and this is the first time that he has ever challenged a statement of mine which purported to come from him.

In the statement which he refers to, I was reading from an article from the Commonwealth and the New York Christian Advocate, I believe, quoting Doctor Ryan on prohibition law enforcement. Doctor Ryan is the same man who is the author of the Roman Catholic book called State and Church. He is a professor of moral theology at the Catholic University of America. He is an appointee of the present Catholic king of the Vatican city. He is an appointee of the Catholic Pope, king of the Vatican city or Catholic kingdom. That is what it is. I was quoting him; and the RECORD, the notes of the official reporter, who was taking my speech at the time—a Catholic—shows that I read the words "Volstead Act" into Doctor Ryan's statement from which I was reading. I do not recall doing that, but those words appear in my speech. Well, here is what Doctor Ryan says on the subject of law observance and enforcement:

That the citizens are obliged to obey civil laws, even those that they do not like, is true in general, but not necessarily true in every case.

Now, what do you think of a theologian in America, of a priest, taking that position in a free government—that the Catholic citizen, for that is what it means, may decide for himself what law he will obey in the United States and what law he will violate? There is no escape from that interpretation; and then the RECORD quotes me as saying that he said in the Commonwealth article:

Of course, these tyrannical provisions—Volstead law—never had a shadow of validity in morals.

Inserting the words "Volstead law" is the thing that gave Doctor Ryan the opportunity and excuse to write a letter to be read into the RECORD by a Roman Catholic Senator—that he had been misquoted in the Senate by me. He says, in his letter sent to Senator WALSH of Massachusetts, that he never used that expression. He says:

The Senator quoted certain sentences of mine which appeared in an article in the Commonwealth April 3; at the same time he attributed to me an assertion which I did not make. Neither in the Commonwealth nor elsewhere have I ever said that the Volstead Act "never had a shadow of validity in morals."

That is his statement in the letter read here. Now I want to read you what he did say in the Ryan article that I have obtained, which appeared in the Commonwealth. That article appeared verbatim just as he sent it, so it is claimed.

Now I will read from the article itself:

What is the legal situation respecting these two enactments?

He is talking about the Volstead Act and the eighteenth amendment.

Then he says:

Those provisions of the Volstead Act which forbid a person to manufacture, transport, or possess liquor for his own use have been virtually repealed by the enforcement officers; rarely do they any longer prosecute for these offenses persons who are known to refrain from selling liquor to others.

Now, listen to what Doctor Ryan said:

Of course these tyrannical provisions never had a shadow of validity in morals.

Now, you notice the difference. The Record has me quoting him as saying:

Of course, these tyrannical provisions—Volstead law—never had a shadow of validity in morals.

And he splits hairs and says that he did not say that; but here is what his article says he said. I want to read it to you again in that connection:

Those provisions of the Volstead Act which forbid a person to manufacture, transport, or possess liquor for his own use \* \* \*. Of course these tyrannical provisions never had a shadow of validity in morals.

If that is not inexcusable hair-splitting for a learned professor, I am no judge.

What else could he mean? What was he talking about? He says, up here:

Is it not just possible that in a similar situation, disregard of the Volstead Act and the eighteenth amendment will be at least equally reasonable and equally free from moral blame?

Will anybody say he was not talking about the Volstead Act there, and in his statements in the article referred to he mentions the Volstead Act and a part of its provisions. Then he says:

Of course these tyrannical provisions never had a shadow of validity in morals.

Mr. President, that is all that Doctor Ryan, the Catholic priest, complains about me quoting him in the Senate. I quoted him as saying other things, but he says that the other things were not in the prohibition article which appeared in the Commonwealth. I think he is correct about that, but I will tell you what they are in. They are in his book which I hold in my hand—called *State and Church*—and this is the first time I have ever gotten hold of a copy of that book. It was not intended for Protestants and Jews. I have quoted from it excerpts furnished in a speech made by Bishop Cannon when he addressed the people of this city at the Auditorium about two years ago. This book, called *"The State and the Church,"* is by Ryan and Millar, two Catholic priests, and this same Doctor Ryan is one of them. He said this in his book if he did not say it in his article in the Commonwealth:

Whether a particular act of the state is contrary to the moral law—

Now, listen to this astounding statement—to this un-American and dangerous statement—

Is a question which obviously must be decided by some other authority or tribunal than the state itself, since the state has no competence in the field of morals.

That is in his book. He can not deny that. What is that book saying, Senators? The Supreme Court does not have a right to say what the law is and what the people shall obey. Some other authority has—and it is clear that he is talking about Roman Catholic authority within the confines of the hierarchy. He is defying and setting aside the lawful, the governmental, authorities of the United States for the ecclesiastical power of the Catholic Church in America. Can anybody deny that? I wonder how many of the newspapers represented in the press gallery are going to carry that point to their readers to-morrow. I look for them to say to-morrow that "Senator HEFLIN made another tirade against the Catholic Church" and stop with that. They are afraid the Catholics will not like it if they say more.

The Senator from Nebraska [Mr. NORRIS] talked about how much afraid some of the newspapers were to speak the truth against the Power Trust. But that interest is no more powerful than this Roman Catholic trust that I am telling you about. You notice how carefully these newspaper boys refrain from printing anything that occurs in this body about the Roman Catholic group—how the truth is suppressed.

It does look, in the name of the God, of common honesty and Americanism, as if they could tell what a Senator said without being responsible for it themselves, and let the people back home know what is going on here. I wonder if their papers back home have told them, "You lay off of anything and everything that touches on Catholic activities. Do not put anything in that they object to. You know how they are. They will raise Cain about it," and they are helping to sell their country to another Mussolini for a little papal patronage in the United States.

God pity such a miserable counterfeit on the real American. I ask, in the language of the Senator from Nebraska [Mr. NORRIS], what are we coming to in the United States? At what price is our American liberty to be sold? Who, while these dangerous things are going on all around us, will stand

up on the side of the American flag? Who will oppose the Roman program to tear down the United States Constitution and the statute laws and wipe out of existence our American courts of justice, and decree that a Roman Catholic Church court shall tell American citizens of the Catholic faith in this country what laws they can obey and what laws they should not or can not obey?

Mr. HEFLIN. Mr. President, I now want to bring to the attention of the Senate the kind of advice Doctor Ryan gives to Roman Catholics in America. Here is what he says in his book:

In deciding whether the obnoxious law ought to be obeyed \* \* \* the Catholic citizen may consult his priest or his bishop or the Pope.

Just think of that, in this great, free land of America a citizen of the Catholic faith takes up a United States statute and reads it, maybe, and he says, "My conscience does not approve of that law; therefore I do not feel that I should obey it." There you have it in a nutshell. And who is teaching that doctrine right here in the United States? Doctor Ryan, an appointee of the Pope of Rome, who sits here in the Capital City, who is the mouthpiece—and a learned and able mouthpiece he is—for the Roman hierarchy in the United States. Here in the face of the lawmaking body and of the President who approves the law and in the presence of the Supreme Court of the Nation Doctor Ryan tells Catholics in the United States that—

In deciding whether the obnoxious law ought to be obeyed \* \* \* the Catholic citizen may consult his priest or his bishop or the Pope.

Here are two separate and distinct groups of people, in the mind of Doctor Ryan, one living in segregation from the other, one governed by one set of rules, ecclesiastical rules, laid down by a Roman hierarchy, and the other by the Constitution and statutes of the United States, and this man, a Catholic priest, living in America, claiming to be an American citizen, advises Catholics, nobody but Catholics, "If you do not want to observe a law, go to the nearest Catholic priest, or go to your Catholic bishop, or go to see or write the Pope, and if the Pope, the priest, or the bishop tells you not to obey it you are under no obligation to obey it." There is no other inference to be drawn from that language of Doctor Ryan, and that un-American and dangerous doctrine is in this book [indicating]. I challenge him to deny that.

I will mention a strange thing about this book. There is only one copy of it in the Library of Congress, I am told. Senators, if you knew how many books which contain doctrines objectionable or hurtful to the Catholic program are stolen from that Library, it would astound you. I got a book over there which had in it the story of Roosevelt's visit to Italy, and I asked my boy to read it and mark certain parts of it, and he found that those pages had been torn out. They get books which contain doctrine which they do not want Protestants and people generally to see. They get them out of the Library, out of all libraries.

When Doctor Ryan made his denial the other day about what he had said on prohibition and the eighteenth amendment, I sent over to the Library to get a copy of the book he wrote, *The State and the Church*, and I was told it was out and could not be had. I said, "I want it. If you can not get it I will have to buy a copy." They sent out to the Public Library of the city and got this for me. I said, "Where is the other one?" I learned in my trailing around that a Tammany Congressman had it, and that he carried it to New York, and there was not one in the Library which a Protestant or a Jew could get in order to find out what was within its lids.

Mr. President, listen to another startling statement from Doctor Ryan:

If a moral decision of the church which is adverse to a government or a law is accepted by a sufficiently large section of the citizens—

That is, referring, of course, to the Catholics—the state will find itself in difficulty.

What does that mean? In the name of God, what does that startling statement mean? If the Catholics decree that a law passed by the American Congress is not binding on Catholics; if they decide not to obey the eighteenth amendment of the Constitution of the United States, then Doctor Ryan says in effect that if there are enough Roman Catholics in the country to defy the Government and refuse to obey its laws and its Constitution such a course would be followed if a Catholic priest, a Catholic bishop, or the Catholic king should advise it. Senators, is not that enough to convince any intelligent, loyal American that there is danger in such doctrine? Senators, there you have serious conflict in authority right here in the United States. The doctrine of the Roman government is opposing and challenging the doctrine of the American Government.

I now want to read from Doctor Ryan's book, so that there can be no excuse to confuse it with some article in the Commonwealth or the New York Christian Advocate. Doctor Ryan says, quoting Priest Pöhle:

If religious freedom has been accepted and sworn to as a fundamental law in a constitution, the obligation to show this tolerance is binding in conscience.

Listen:

The principle of tolerance \* \* \* can not be disregarded even by Catholic states without violation of oaths and loyalty, and without violent internal convulsions.

There is the admission that Catholic authorities would cease to be tolerant and would demand that the Catholic religion be set up to the exclusion of all others and establish the Catholic state if they did not fear "violent internal convulsions."

Now, listen to how this able Catholic writer, Doctor Ryan, tells Catholics in the United States how to get around "violating oaths and loyalty." He lays out a program in the United States, and says:

But constitutions can be changed, and non-Catholic sects may decline to such a point that the political proscription of them may become feasible and expedient. What protection would they then have against a Catholic state? The latter—

Meaning Roman Catholics—

could logically tolerate only such religious activities as were confined to the members of the dissenting group.

Which means all denominations not Catholics—Jews and gentiles.

It could not permit them to carry on general propaganda nor accord their organization certain privileges that had formerly been extended to all religious corporations, for example, exemption from taxation.

Senators, does not that astound you? That is in this Roman Catholic book called "The State and the Church," by Ryan and Millar. I am reading now from one of the chapters of Rev. John A. Ryan, D. D., an appointee of the Roman Catholic Pope and king.

What would we have done 20 or 40 years ago if somebody had written a book like that in the United States? Congress would have denounced it, the President would have issued a proclamation against it. It strikes at the very vitals of free institutions in America, and only a few of us dare to assail it, to call it to the attention of the Nation, to criticize it, and condemn it.

That is not all he said. I have been reading from page 38. Now, on the next page he said:

Therefore we shall continue to profess the true principles of the relations between church and state, confident that the great majority of our fellow citizens will be sufficiently honorable to respect our devotion to truth, and sufficiently realistic to see that the danger of religious intolerance toward non-Catholics in the United States is so improbable and so far in the future that it should not occupy their time or attention.

What do you think of that, Senators? "Do not be alarmed," they say in effect, "what we are going to do to overthrow American institutions will not be to-day nor to-morrow, and maybe not the next day, but we stand for the union of church and state and the whole Catholic program." There it is; there is no other inference to be drawn. They say, "We trust to you to believe in our devotion to truth." What truth? That the union of church and state is right and the separation of church and state is wrong. There is no other conclusion to be reached. That we let them continue to advocate it in the United States because there is no immediate danger of intolerance and no immediate danger of setting up the Catholic state and proscribing other denominations, where nobody except those already members of the Protestant and Jewish churches can worship, and when those who are already members die, Protestant and Jewish churches die out in the United States. No church but the Roman Church can then ask people to join. No church properly except Roman Catholic Church property will then be exempt from taxation, because the Catholic state has decreed that they are not churches, that there is only one church—the Catholic Church—and that the State shall support that church, and the American people will then be taxed to keep it up, and as in all the bloody annals of its past armies will be marshaled to defend and protect it, and the other churches in the United States, after the Catholic state is set up, will be doomed if this Roman program of the Catholics is carried out as outlined by Doctor Ryan.

Senators, you are going to be shaken out of your seats one of these days when the people of this Nation rise up and ask you what you were doing when these things were transpiring

before your eyes right here at the Capital. Catholic papers boast of their power to put their program "over." They rejoice that they are having their way. I have here another article by this same Doctor Ryan in a magazine, Current History, in which he undertakes to reply to Doctor Fountain, an able and brilliant Baptist preacher of New York. This is what he said in reply to Doctor Fountain right at the end of his article in reply:

Because Pope Leo has said that it is the duty of all Catholics to endeavor to bring back all civil society to the pattern and form of Christianity which is found in the Catholic Church. But this "pattern and form" implies the union of church and state in all civil society, including, necessarily, the United States. In other words, Catholics are not bound explicitly and "now" to seek a union of church and state in this country, but they are committed to "that program implicitly," inasmuch as they are obliged to try to "make America Catholic" in the indefinite future.

There it is, all laid out in the Catholic literature of the country, in the magazine called "Current History," page 784.

Mr. President, an able Senator who graced this Hall for a brief time, a brilliant orator and author, Tom Watson, of Georgia, a student of this subject all his life, asked the question in the little pamphlet I have in my hand, Rome's Law or Ours—Which? Then he asked the American people:

Are you willing to spend a few minutes sizing up a terribly dangerous situation and getting your bearings as an American citizen?

That is the question he asks in this little pamphlet, which I have not time now to read.

Mr. President, last June I was a member of a special committee of the Senate, of which the junior Senator from Vermont [Mr. DALE] was chairman, and the other members of which were the Senator from Iowa [Mr. BROOKHART], the Senator from Georgia [Mr. GEORGE], and the Senator from Oklahoma [Mr. PINE]. It was a committee appointed under a resolution introduced by me to investigate the civil service. President Deming, of the Civil Service Commission, was testifying before the committee. We were discussing the sending out of notices to the people of the United States when examinations were to be held for Government positions.

I complained that the notices were not being sent generally enough into the various States; that they ought to be sent into every nook and corner so men and women in every State would be apprised of the fact that the Government had positions to fill and was giving notice of the time and place when the examinations would be held. I asked him some questions as to this detail work, and he said he was not as well posted on that as some man under him, so a Mr. Morgan came forward and testified.

I asked Mr. Morgan to whom he sent the notices that examinations were going to be held for the various Government positions. He said, "To the Knights of Columbus, to the Young Men's Christian Association, and various educational groups." I asked him if he sent any to the Masonic fraternity, and he said no. I asked him if he sent any to the Junior Order of American Mechanics, and he said no. I asked him if he sent any to the Klan people or the Woodmen of the World or the Odd Fellows and several others I named, and he said no. I said, "Why do you not send to them?" He said, "They did not ask for them." I said, "If you are going to send notices of these examinations for positions in the Government to any fraternal order, you ought to send to all of them." He changed his testimony after that, and I want to read how it appears now since he changed it, and Senators can see for themselves that it was seriously tampered with.

Senator HEFLIN. I notice you said that you sent these notices to the Knights of Columbus. Did you send any to the Masonic fraternity?

Mr. MORGAN. Yes; if they asked for them.

I can establish by the Senator from Georgia [Mr. GEORGE] and the Senator from Iowa [Mr. BROOKHART] that he answered "no," that he did not send any to Masons, but the printed testimony shows that he answered "yes." Those two Senators were present and we talked about it afterwards.

His statement in the hearings now has him saying:

We send to the Knights of Columbus, to the Masonic order, to the Young Men's Hebrew organization, and kindred organizations, if they ask for it.

He did not say that at the time, but put it in afterwards when I exposed the favoritism being shown to Catholics.

Senator HEFLIN. The Knights of Columbus is a fraternal organization?

Mr. MORGAN. Well, it is more than that. It is in the nature of a welfare association.

Senator HEFLIN. Well, it is a fraternity?

Mr. MORGAN. Yes; in that sense I think it is.

Senator HEFLIN. Why do you not send it to the Masons?

Senators will see my question. Why would I ask him that question if he had already said he sent it to them? He has completely changed his statement, but even with that it shows he told a falsehood in the light of the questions I propounded.

Senator HEFLIN. Why do you not send it to the Masons and to the Odd Fellows and to the Klansmen and to the Junior Order of American Mechanics and to the Woodmen of the World?

Mr. MORGAN. We do not think it is necessary, Senator.

Did you ever see a man mess himself up so in testimony after saying above that he had sent it?

We think we get enough publicity by sending to those to whom we send.

And who were they? The Knights of Columbus and the Y. M. C. A., and some educational groups about the country.

Senator HEFLIN. If you send it to one of those organizations, you should send it to all of them.

I wanted to be absolutely fair.

Mr. MORGAN. The idea is not to send it to the Knights of Columbus because they are Catholics, but it has educational classes and "maintains employment lists." I do not think these others do.

Senator HEFLIN. You can find out if they do.

Mr. MORGAN. It is not because they are Catholics that we send it to them. It is because they are a welfare organization.

Senator HEFLIN. You should send it to all. You should send it to the Hebrew organizations and to the Protestants if you send it to the Catholics, and you should send it to the Odd Fellows and to the Masonic order and to the other fraternal organizations. I am not trying to keep you from sending it to one. I am suggesting that you send it to all instead of to just one.

Mr. President, that discloses a very delicate and dangerous situation that we have here at the Capitol just now. I want to repeat what I have said here before, that when Villa, the villain from Mexico, half Italian and half Mexican Roman Catholic, testified before the Senate committee I heard his testimony. They said, "To whom did you tell the clerks in the Government of Mexico you wanted these papers for?" concerning the Senator from Idaho [Mr. BORAH] and myself and the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Nebraska [Mr. NORRIS]. He said, "I told them I wanted them for Bishop Diaz."

When his testimony was finally printed in pamphlet form, that statement had been deleted; it was not there and it is not there to-day. You can not get anything into the printed record even here at the Capitol, that will disclose something that they do not want disclosed about Roman Catholics. It is a terrible and a very dangerous condition that we have at the Capital of the Nation. Now, let us see what the result is of this special-favor work that has been done in favor of Catholics when positions are to be had in the Government service. First, the Knights of Columbus head the list for notices to be sent out by the civil service, according to Mr. Morgan. When I asked him to whom they went, the first dash out of the box he said, "To the Knights of Columbus, to the Young Men's Christian Association, and to educational groups," and he stopped there. When I asked about what other fraternal orders, he admitted he did not send any notices to them, and then changed his testimony and said that he did, and when, later, he had to answer my questions, when I asked "Why do you not send them to the Masons and to the others?" he said, "Because they did not ask for them." He has contradicted himself and made himself out a falsifier.

Let me give you some of the practical results of this special-favor system in behalf of the Knights of Columbus. This ought to open your eyes. Let me read the letter addressed to me:

MY DEAR SENATOR: I am inclosing copy of the Index published by the Prohibition League of Williamsport, Pa. I do not know of anyone better prepared to handle the question than yourself. If it is true, how did they all get in?

Here is a statement headed "Is it true?":

A letter just received at State headquarters from an old veteran prohibitionist makes the following statement:

"The Herald of Holiness publishes this statement:

"In the Department of State at Washington 61 per cent of the employees are Catholics."

I wish the special representatives of the Associated Press and all other news services in the press gallery would get busy with their pens now. They ought to have this to-morrow in every paper, every bit of it. Here is the statement:

In the Department of State at Washington 61 per cent of the employees are Catholics. In the Treasury Department, in which the work of prohibition enforcement is lodged, 70 per cent of the employees are Catholics. In the War Department 53 per cent of the civilian and 70 per cent of the Army employees are Catholics. In the Department of Justice 73 per cent are Catholics; in Insular Affairs, 89 per cent; in the Indian Affairs, under the Department of the Interior, 95 per cent; in the Education Bureau, 60 per cent; and on the Alaskan Railroad, 100 per cent are Catholics.

Roman Catholics have only 18 per cent of our population. Is it not suggestive and sinister that they hold 75 per cent of our offices?

Mr. OVERMAN. Mr. President, may I inquire from what the Senator is reading?

Mr. HEFLIN. I am reading from the Index. It is quoting the Herald of Holiness, of Williamsport, Pa.

Mr. President, because I have seen the dangers of the political activities of certain Roman Catholics in the United States and have brought them to the attention of the Senate and the country, the people who read the RECORD and who come on tours to the Capitol and sit in the galleries know of the fight I am making, and they send me information of every kind on the subject. I am told about Roman interference with American citizens' rights in every nook and corner of the country. There is a distinct Roman program in the United States to make America a province of the Pope. I do not think that all of the Roman Catholics know about it, but the priests know about it and the hierarchy knows all about it and approves it. There is a Roman program to capture this Government. It may not be in my lifetime or yours, but their program, just as certain as there is a God in heaven, is to make this Nation Catholic and to control it, with its vast resources, its mighty riches, for Roman Catholicism. That is the purpose and the program of the Pope of Rome. Doctor MacDaniel, the great president of the Southern Baptist Convention in 1926, was right when he said, "Of all the countries on earth that the Pope of Rome wants to possess, he wants most the United States of America."

Mr. President, that is literally true. I made a speech up at a place in Pennsylvania last year. Driving through the city where I spoke with a friend in an automobile, he said: "Look at those show windows. Do you see those big pictures of yourself?" I said, "Yes." He said: "You see a lot of store windows where you do not see the picture. They all had them at first, and a Roman Catholic priest walked down the street and told all the merchants that if they did not take your picture out of their windows he would call a boycott against their stores." And this friend of mine said: "About half of them took your picture out, but the others were Americans and masters of their own business and would put what they pleased in their show windows." I said: "God bless them. They showed the real American spirit."

I was relating that incident to a distinguished, able, and eloquent Presbyterian preacher of Pennsylvania. He said: "Let me tell you of an incident that will do your heart good. In a big city up here a splendid Protestant merchant, every inch a man, a courageous, fine fellow, had a big store with 105 girl clerks working for him. He had a fine bay window on the corner, running around a western street and a southern street, by far the finest bay window in the city. They had a school fight on. The public school system was the issue. Protestants and Jews were fighting for it and the Catholics were opposing it.

"A lady neighbor to this merchant and his wife asked him if they could put a school exhibit in that show window for advertising purposes to help them in their campaign for the public school, and he said they could. They went in there and pulled the curtains down and arranged a fine display of the little red schoolhouse on the greensward, with little figures of boys and girls with books under their arms and Old Glory flying over the top of the school building. It was an imposing sight, and when they finished it and raised the curtains it attracted great attention, and the people flocked there and stopped by the hundreds to get a view of the magnificent public-school display. They stood there, great throngs of people, getting a view of this magnificent school display. While they were admiring it, and some of them going in and congratulating the owner of the store, the merchant, for letting them put it there in the window, a great, big, bull-necked priest, with his collar turned around, walked in and asked, 'What do you mean by having that little red schoolhouse display in your show window out there?' 'Why,' the merchant said, 'this is a public-school display; my neighbors asked me to let them put it there; I am in sympathy with their program and I told them to put it in.' The priest said, 'I will give you an hour to get it out.' The merchant rejoined, 'You will give me what?' The priest

said, 'I will give you an hour to get it out of that window.' The merchant said, 'You are beside yourself; come in and sit down.'

"He set the priest down in his office; he touched a button, and in a little while the manager came in. He said to the priest, 'Excuse me a minute,' and stepped outside. He said to the manager, 'Go up on the various floors and tell the girls to get rid of the customers they have, and you have all the girls down here in 20 minutes on this floor; then I will come out and have something to say.'

"So the messenger hurried away, and in a little while the girls came trooping down. There they stood, 105 of them. The priest had been delivering himself in angry fashion to the merchant, telling him what a power he had in the way of a boycott, stating that he would declare a boycott against his store and that no Catholic would purchase goods if he did not take that red schoolhouse out of his window. When the messenger came and said to the merchant, 'The girls are out here,' the merchant said to the priest, 'Come with me.' They walked out, and there stood all the girls.

"The merchant said, 'Girls, have I ever mistreated any of you?' 'No, sir.' 'Have I paid you good wages?' 'You certainly have.' 'Have you been satisfied with your work?' 'Yes.' 'Have I ever asked you what your religion was; whether you were Catholics, Protestants, or Jews?' 'No.' 'Well, I want all of you Catholic girls to step over there on one side and the Protestant and Jewish girls to get over here on the other.' They separated. 'Now,' he said, 'I regret to take the action I am about to take, but this man'—referring to the Roman Catholic priest—'has insulted me; he has come into my place of business and has spoken to me like I was a dog; he has told me he would give me an hour to take the school display for the public-school system out of the show window of my store, and that if I did not do it, he would order a boycott against my business, and that no Catholic would buy my goods; he has forced the issue; I accept his challenge.' Then turning to his store manager, he said, 'Pay these Catholic girls their wages. Girls, I am sorry for this; but I am a Protestant American and I am going to fight this out with this Roman Catholic priest. Now you may go.' And they went out. Fifty of those girls were Roman Catholics and 55 Protestants and Jews. The merchant had never asked who they were or what church they attended, but the Catholic priest forced the issue and he found the kind of an American that is going to save this country from Roman Catholic rule." All praise to such an American!

Mr. President, such things as that are going on all over this country. It would surprise you, the number of people, men and women, coming in from various States who come down from these galleries and call me out into the reception room to tell me that I am right and to tell me of their experiences back in the States because they dared to stand for an American principle, such as the public school or for Protestantism, or for whatever the American issue happened to be. They were denied the right in their community to take a stand for what they think is right as Americans, as they allow the Catholics to do. The Protestant does not object to the Catholic taking his stand on religion, but the Catholic is not satisfied with that; he wants to break up and destroy the Protestant and Jewish religions in the United States. The Catholic wants political power through the church. It is political power that he is after. The other groups of our people want to build up their churches, of course, but it is for a different purpose altogether, and there is a different motive back of it. The Protestant denominations like to see their numbers grow and their power increase along certain lines, but they stop with that. They have no designs on the Government; they want it to prosper and continue; they have no desire to interfere with the Catholic religion; they would not deny the Catholic the right to worship as he chooses, if they could, but you can not say that that is the attitude of the Roman Catholic in authority.

The Roman Catholic priests and hierarchy in the United States want power for several purposes; they want to swell their numbers mainly for political purposes and power; they want power enough to take charge of the Government; they want power enough when they do take charge of the Government to put every other religious denomination out of business. They have done that the world over wherever they have had the power to do it. I charge that that is their program in the United States. I charge that they have done it wherever they have had power all over the world. I challenge any Senator in this body to deny it. I pause for answer from any Senator. You do not answer because it can not be denied.

Go read the bloody story of Mexico, where priests have held up poor Mexican peons and extracted their last coin to get money from them to have the priest go out and bless a piece of land so that it will make a crop. On the fertile soil of Mexico, one of the richest countries in the world, the little Catholic

owner of 4 acres of ground had to get a Catholic priest to come out and raise his hands and bless the ground before it will produce and make a crop at all. My God, such stuff! Think of it! No wonder Mexico has arisen to shake off the shackles of Roman ignorance and Roman slavery. The masses have been priest ridden and robbed year after year. Calles led them into the light by the aid of the brave Obregon, who was murdered a little while back, assassinated in cold blood. When they executed the fiend who had murdered him a Catholic priest stepped up and dipped his handkerchief in his blood as a sacred memento of the occasion. Does not this shocking and sickening incident make normal Americans stop and think?

That is what they have done all along where they have had power. They want to put you out of business if you differ with Rome. What are they doing now? They are using every Roman Catholic paper in the Nation to fight me. Well, I do not care. Why? Because I have exposed their dangerous activities. I expect them to fight me. They can fight me all they please, but I will continue while God gives me strength to tell the truth about their dangerous un-American activities. Because of my stand in behalf of my country against Roman Catholic domination in the United States I am threatened with defeat for reelection to the Senate. I do not fear the candidate that the Roman Catholics will put out against me. I do not care who he is. I expect to be and I will be elected. But I want to say this: If I knew that my course here in behalf of my country would defeat me, that I would be driven from the Senate and defeated by that power, I would fight here so long as I was able to fight to preserve this great American Government. I swore when I entered this Chamber as a Senator from Alabama that I would defend the country against all enemies, both foreign and domestic, and so help me God I will keep that oath.

Mr. President, the American people are entitled to know what is said by Senators on national questions here. I am saying things here to-day about the persistent and dangerous activities of certain Roman Catholics in the United States that no Senator will attempt to dispute. Why is it, then, that the newspapers whose representatives sit in the Senate press gallery will not give the truths that I am uttering here to the people out in the great States of this Union?

I have called to your attention to-day some of the dangerous doctrines—doctrines filled with poison for our free institutions—that are being taught to more than 18,000,000 Roman Catholics in the United States. No wide-awake American doubts for a moment now that the Roman Catholic program is to make America Catholic. They are boldly advising a course for Catholics in America that means danger for our American institutions. I have read to you these dangerous doctrines in Doctor Ryan's book. Here it is. But somehow the great associations of the American press right here at the Capitol will not carry these truths to the people whose Government this is. How long will the people in the States submit to such a miserable and cowardly course on the part of the American press? Are the people of this great Protestant nation to have Roman Catholics to tell them what they shall or shall not read in the newspapers? Will the patriotic men and women of America tamely submit to the domination and control of the national press at the Capitol by the representatives of the Catholic king?

I am glad, Mr. President, that there is a daily journal at the seat of Government—the CONGRESSIONAL RECORD—which carries the truth about what is said here—40,000 copies of the CONGRESSIONAL RECORD go out into the States every day. People are reading it. I have had them write me that they read it and handed it around until they had worn it out, and then they have reprints made of portions of it and circulate them in the community in order to get the truth to the people. Why? Because the press represented here at Washington will not give it to them. The Christ of God said, "Know the truth and the truth shall make you free," but the Roman Catholic machine in the United States is trying to suppress the truth.

The Senator from Nebraska told us yesterday how the Power Trust was crowding in upon the free press and getting a strangle hold upon its throat. With the Power Trust holding them on the one hand and the Roman Catholic political machine holding them on the other, it is going to be difficult for some of these little squirrel heads in the press gallery to ever again express an opinion of their own. [Laughter.]

Mr. President, it is a serious situation that confronts us. I received a copy of a letter from a gentleman up in Massachusetts—I thought I had the letter here, but I have read it to so many friends I almost know it by heart. It was a copy of a letter to the senior Senator from Massachusetts [Mr. GILLET]. It was from one of his own constituents, and the writer told him he had supported him and believed in him for a long time but that he was through with him now; that his vote against my

resolution to condemn the Roman mob at Brockton had finished the job with him. He said: "We elected you to the Senate without the aid of the Roman Catholics; a few of them voted for you, but you could have been elected without them; but now you have truckled to them; you have bowed the knee and we are through with you. You will never go back to the Senate from Massachusetts. I can not support you any longer, and others here feel as I do. That is the letter which he sent."

Here is a copy of the Worcester Telegram. It tells about something that occurred up there at Brockton since I spoke there. It will be remembered that a member of the Brockton council suggested two weeks after I had spoken there that he was going to have Senator HEFLIN arrested because he had delivered an address there without a permit. Nobody ever mentioned a permit to me. I had been there and spoken twice; and this councilman—poor, ignorant, Roman agent—did not discover until two weeks after that I had spoken without a permit. Now, you know about what kind of a man the Roman Catholics were using in their efforts to annoy an American Senator who is exposing their un-American activities. But this Catholic agent suggested that he was going to have me arrested, and these little squirrel heads up there grabbed it. [Laughter.] They took it and gnawed on it just like one of these sharp-toothed squirrels on the Capitol Grounds would gnaw on a luscious English walnut. Oh, they made the shavings fly, and they asked me over the phone:

"Is Senator HEFLIN there?"

"Yes."

"Is this Senator HEFLIN?"

"Yes."

"Senator, what have you to say about this member of the council in Brockton that is going to have you arrested?"

I said, "Have whom arrested?"

"Going to have you arrested."

"For what?"

"For speaking up there without a permit."

I said, "I never heard of such a thing. That is another Jesuit joke."

Well, they played it up; they had big headlines, some of them with letters an inch high:

Senator HEFLIN will be arrested. Brockton council seeks to have him arrested.

Brockton council! Think of that! That was done to mislead the public, as though the Brockton council were against me and with the Roman mob; and then the truth came out. The council was called together at this man's request to have Senator HEFLIN arrested, to get a lot of publicity hurtful to me, because I was daring to warn my people against Catholic efforts to destroy free government in America and set up the rule of the Catholic Pope.

Now, here is what the papers said happened, and then I want to ask you how many of you have seen any big headlines about this notice that was favorable to me.

This is how it reads:

Brockton council blocks order for arrest of HEFLIN.

Look how big the headlines are. Some of these squirrel heads can see them from the gallery. [Laughter.]

Action refused on probe bill. Coleman sought inquiry to determine if solon had permit. Measure is tabled. Vote 20 to 1 against order without giving hearing. Brockton, May 6. Associated Press.

There must be something wrong about that [laughter] if the Associated Press carried it in that form. It is favorable to me. I read:

An order asking that the city marshal investigate to determine whether Senator J. THOMAS HEFLIN, of Alabama, broke the Sunday laws of the State at the time of his speech here, March 17, was tabled by the common council here to-night. The vote was 20 to 1, with Councilman Howard A. Coleman, sponsor of the order, opposing.

Senators, the Catholic régime will give that fellow a trip to Rome right soon; you mark my words. Oh, yes, and they will let him kiss the Pope's ring and the Pope's toe. [Laughter.] Oh, they will pronounce a blessing on him, and do these girations of uppercut, undercut, and crosscut works over him and then the simp will think that he is ready for glory.

But let me finish reading this newspaper story.

The order provided that should the investigation show that the Senator spoke here without a permit application for a warrant for HEFLIN's arrest should be made.

When the order was presented for action, Councilman Walter A. Hall moved that it be tabled, and the motion was seconded by several of his colleagues. Two members asked that the vote be suspended until Cole-

man had an opportunity to explain his reasons for introducing the order. This was refused.

When he filed the order earlier in the day, Coleman charged that HEFLIN addressed a public gathering without having first obtained a permit.

Mr. President, that shows you what a glorious situation the Senator from Massachusetts [Mr. GILLET] is going into when he runs for reelection next year. The people of Brockton, this great city, the greatest shoe-manufacturing city in the world, were so indignant at the imposition put upon a United States Senator, their guest, and at the effort of Roman Catholics to destroy free speech and peaceful assembly, and so hurt and sore at the votes of both of the Senators from Massachusetts, that the council slapped this man in the face, and would not even let him explain what he was trying to do when he suggested that I be arrested. They voted him down. They took my side, the American side.

You never saw a line about that in any of these newspaper reports that go out from here. They had the facts. They knew what the Brockton council had done. I called the attention of some of them to it; but, oh, no! But they spread that other report about having me arrested all over the land:

HEFLIN is going to be arrested. The council at Brockton seeks his arrest—

Such false and misleading stories as that were sent out.

Printing a falsehood as black as midnight to make it appear that the people of Brockton, through their city council, were not in sympathy with me on my demand for the protection of the right of free speech and peaceful assembly. But when the matter was put up to the council they showed how they stood. They voted down this proposition without even giving this Roman agent an opportunity to air his views.

Mr. President, that gives you an idea of what is going on in America. I have told you before that I have been to various places to speak, and in every one of them, without exception, Roman Catholic priests and some Knights of Columbus have interfered to keep the people from having a hall for us to speak in. When I carried to the people the cause of the American boys who were to be slaughtered in a war in Mexico, fighting to restore that Government to the Pope of Rome—when I led that crusade in the Senate and in America—everywhere I went I found the priests and the Knights of Columbus telling them they ought not to permit me to speak in the town on that subject; and the very night before, or the week before, some Knight of Columbus had been there and presented the Catholic side of it. They wanted to stop an American and tell the people that they ought to suppress free speech; they ought to insult him and send him back and not permit him to give his views and tell the fathers and mothers whose boys were to be killed in that war just what was about to happen at the Capital.

I showed that Mr. BOYLAN, a Roman Catholic Tammany Congressman, one of Alfred Smith's brethren, had introduced in the House a resolution demanding intervention—that is what it meant—demanding that we sever diplomatic relations with Mexico at once, the first step toward war. No one in the House opened his mouth about it. Finally I exposed it and told of the machinery that was in operation here, and that they had had one hearing, a one-sided hearing, a Catholic hearing, where nobody but Catholics were heard, before a committee in the House, urging the passage of that resolution, when Protestants and Jews were never given an opportunity to be heard, no hearing was ever had for them, and the hearings were locked up and never printed at all, never brought to the attention of the public until I got them out and read them in the Senate, and showed what the Roman Catholic purpose was. When these Catholic papers had said that Senator HEFLIN was attacking the Catholic Church, and that he had injected the religious issue, I read to you here the testimony of Catholics before the House committee, and it ran like this:

We protest against the persecution of Catholics in Mexico and the efforts to destroy the Catholic Church in Mexico, and we favor the passage of the Boylan resolution.

They wanted war. That is what they wanted to do with the passage of the resolution, and that is what they wanted to do with American boys and our flag, to serve the Catholic cause in Mexico.

Did you want your boys to die in a Catholic war? I fought to preserve the lives of our boys. I thought of their fathers and mothers at home. I thought of the ridiculous proposition of calling out an American army, at the instance of the Roman Catholic Knights of Columbus, to go across the border line to fight the Pope's battles in Mexico. I opposed it, and I have

received more than 10,000 letters from people all over the Nation, thanking me for the service that I rendered. But what have I done? In serving my country, I have incurred the displeasure, hostility, and bitter hatred of the Roman Catholic group. I have aroused the mean indignation of Catholic priests. I have brought down upon my head the criticism of the Roman Catholic National Welfare Council, that sits here and watches day by day, that keeps here its lobby from Rome, that sends its articles down to Birmingham and has them appear as if they originated there, attacking me.

I exposed these things, and I am telling you what is going on in the Government service here at Washington. Protestants are being weeded out of the service, and Catholics are getting their places. Jews are being weeded out, and Catholics are getting their places. Catholics are being constantly put into the key positions of this Government. It would astound you and alarm you if you knew how much that was being done. All over this city of Washington, in every department of the Government, they are honeycombed with Catholics. Nothing transpires that they do not know about. Men high in authority do not seem to realize just what is transpiring all around them. I am informed that President Hoover has the same group in charge of the telephones at the White House that Joe Tumulty planted there in Woodrow Wilson's day. I called up the White House a few weeks ago and one of them answered. I recognized his voice. I said, "I want to make an appointment to see the President." He said, "What do you want to see him about?" What do you think of that, Senators? I recognized the voice that I had heard in other days. Why the President still keeps them there I do not know. He may not know about it. I am telling him. Think of a Roman Catholic telephone clerk asking a United States Senator what he wants to see the President about! Are these the people that surround the President, and stand between the Protestants and the Jews of this Nation and the President? Can no message get through to the President unless they know just what it is? The country is entitled to know what is going on here at the Capital. I know I am talking very plainly, but that sort of talk is necessary, and that sort of talk is reaching the people of this Nation. Why should it not reach them? This is their Government. They have a right to know the truth. I repeat, Christ Himself said:

Know the truth, and the truth shall make you free.

And old Dante, the brilliant bard of Italy, said:

Give light, and the people will find their own way.

I am trying to give the light. I have told you what is in this list of Catholic employees of the Government—19,000,000 Catholics out of 120,000,000 of people in the United States, and Catholics hold 75 per cent of the offices of the Federal Government! It would startle you to know what a large per cent of the chaplains they have in the Navy who are insisting upon and succeeding in flying the Roman cross above the American flag. A majority of you voted to continue it there.

I wish you could read some of the letters I have received, and see how complimentary they are to you. But the thing they are writing about most now is—and I am getting their letters all the time—is this: "Send me a list of those who voted against your Brockton resolution" to preserve the American citizen's right of free speech and peaceful assembly. I am sending it to them with a copy of the resolution, and it is a nice document. You voted against this:

Whereas it is the duty of the Senate at all times to stand firm in its support and protection of the American citizen's right of free speech and peaceful assembly.

And you voted that you would not do that. That you would not do anything to preserve the American citizen's right of free speech and peaceful assembly and every Catholic priest and nun in the gallery smiled their approval down upon you. Then you voted not to condemn those who were guilty of that mob violence at Brockton who disturbed free speech and peaceful assembly. And real Americans back in the States do not approve your vote.

Senators, I am going to say what I have said before. I have the kindest of feelings for many of you personally, but I am going to say frankly again, you cast a vote such as that on that resolution virtually voted to turn this Government over to Rome. The effect of your vote is to indicate that the Roman Catholic influence was stronger with you than your love for the preservation of American rights and liberty. The effect of your vote is to say that you prefer to go on record as opposing that resolution announcing American doctrine, rather than incur the displeasure of the Roman Catholic political machine. There is no escape from that conclusion. It is there in great, big box-car letters. You can not get away from it.

Mr. President, I had several clippings to which I wanted to call attention, but I will not do so now but I will read this one from an Alabama paper:

"The burly Alabamian," is the crass reference to Senator HEFLIN by one Kirke L. Simpson, syndicate writer under Capital Bystander column. In 1888 a great orator, nominating Grover Cleveland for reelection to the Presidency, stated, "We love him for the enemies he has made." Much the case with TOM HEFLIN—the more alien and sinister influence hate him the more true Americans love him.

Mr. President, if being true to American rights and liberties makes enemies for me, let them multiply.

Once to every man and nation,  
Comes the moment to decide,  
In the strife of truth with falsehood,  
For the good or evil side.

Here is a time, we know not when,  
A place, we know not where,  
That marks the destiny of men,  
And leads to glory or despair.

Go read the history of the faithful and outstanding figures of the past. You do not find them fighting in groups. You do not find them waiting for the multitude to tell them when to fight for principle. You find them doing what conscience, judgment, and duty told them to do. Fighting on and on, and you frequently find them fighting alone. Again let me remind you to go read the story of Horatius at the bridge, of Leonidas at Thermopylae; read the story of courageous Daniel standing alone for religious freedom among all the princes of the king.

When the king had issued his edict that all the people should adopt his religion, that religious freedom should die, Daniel told the princes that he would not obey it, and the princes laughed at him. They tried to frighten him. They said, "You will lose your office as a prince. Not only that, you will be destroyed. You will pass out of the picture forever." But Daniel had courage and conscience, and the Bible tells us that in his early youth Daniel purposed in his heart that he would not defile himself. When the other princes of the king, fawning, truckling, crawling nonentities were doing the bidding of the king, they found Daniel with his window thrown open toward Jerusalem, with his hands uplifted addressing his petition to the God of the universe, his mother's God. They told the king on Daniel. But he stood by his convictions. He suffered for them, was thrown in the lions' den, and the God that he worshipped preserved him there. Out of it all Daniel came, greater than ever before, a prince above them all, supreme and alone.

The king died, and has been forgotten. I do not recall his name. I dare say there is not a Senator here who could name him. I do not recall the name of a single prince who tried to frighten Daniel from the course of his duty and his conscience. They have perished, gone down in the long night of time. They are all gone. But where is Daniel? Standing out in bold relief on the mountain top of history, he overlooks the world. Ministers of the gospel the earth around are pointing him out Sunday after Sunday to their congregations as one of God's elect who dared to champion the cause of religious freedom, and to worship the God of the Universe. And Daniel still lives.

And yonder on one of the brightest pages of Italian history shines the name of Garibaldi, that grand old Italian patriot, who 60 years ago staked his all in the cause of liberty and led to victory the brave legions of Italy as he struck the chains of Catholic tyranny from the Italian Government. He established the rule of the people and brought about the separation of church and state. Other denominations were permitted to worship God as they chose. Different groups of people taught their own doctrines in the schoolrooms of Italy. But one day a bastard dictator came upon the scene. He seized the reins of government. He slew Freemasonry, the order that Garibaldi led and loved so well. Mussolini destroyed Masons by the hundreds and thousands. He burned their lodges. He imprisoned the grand master of Italy, and he is in prison to-day.

Then Italy, bleeding and broken, gagged and tied, was handed over to the Pope of Rome, and people of Italy are taxed to pay \$100,000,000 to the Pope as a part of the contract which again delivered Italy into Roman Catholic bondage.

That is the picture you have. In a little while they are going to ask you to vote to establish diplomatic relations between the Vatican and the United States Government. A government with that record behind it, bloody, brutal, murderous, with all of these things that led up to this awful agreement, or concordat, established on the ruins of Italian liberty a Roman Catholic kingdom. They are going to ask you in a few days to vote to establish diplomatic relations, to send a representative to the Vatican and to have them send one here.

I have no doubt that the program was all laid out by Raskob, who is a prince under the kingdom of the Vatican City, a Roman Catholic prince, as Alfred Smith also is, I understand. A part of the far-flung program of the Roman Catholic hierarchy was to elect Al Smith President in November, 1928, and Alfred Smith was to be in the White House when Mussolini bartered the liberty of Italy to the Pope, and Alfred Smith was to be the Catholic President of the United States when this big deal was put over in Rome, and Alfred Smith, the anointed, was to name a representative to the Vatican, and receive one from the Pope of Rome. But it did not happen, thank God!

Another thing Alfred was to do. He was to be in the White House when the already prepared revolution broke in Mexico. The killing of Obregon was the forerunner of the revolution. The killing in the United States of Carranza, the air man, was a part of the program. The attempt to kill the present President of Mexico was a part of it. But Alfred, the anointed of the Pope, prince in the Roman kingdom, was to be President when that occurred, and he was to permit the shipment of arms to revolting Catholics into Mexico, and let the Pope and his cohorts do their bloody work in restoring Roman government in Mexico. Do you think that is sound reasoning? Look at what has happened in this brief time. Look at what occurred in Italy, and look at what has occurred in Mexico. I am telling you what the Catholic plan and program was to be with Alfred in the White House.

Now they have our party tied to this body of death, with Raskob seeking to hold on to the chairmanship of the Democratic National Committee by saying that we owed a debt of a million and a half dollars. I have never believed a word of it. That was all put out so that they would say, "Let him stay in until he pays off the deficit," and he fooled many Democrats with that trick. Now he claims to have paid it down to about \$400,000. I do not think we owed \$50,000 when the campaign was over, but I do think they spent more money from Roman Catholic sources and whisky-interest sources than any other candidate ever spent in the history of the Government. I believe that. But now they are planning to run Al Smith again, or Franklin Roosevelt, six in the one and half a dozen in the other.

The Democratic Party of the South is through with New York. They are not going to take a nominee out of that State. The Democratic Party of the South will not follow the lead of Raskob, the Roman Tammanyite. The Democratic Party of the South has stood with head erect and light upon her face. She has never bowed the knee to Baal. She has never been corrupted. Her record is as white as the driven snow, and that is the reason so many of those Southern States broke away and would not follow Raskob and Alfred in the last campaign.

The ideas and the ideals of Tammany are not the ideals and ideas of the Democratic South. There is nothing in common between the Democratic South and the immoral and corrupt political régime of Tammany. The intelligent, upstanding, and patriotic Democrats of the South will not be dominated and controlled by Tammany.

Mr. BLEASE. Mr. President, the Senator from Alabama [Mr. HEFLIN] had something to say about Mexico. I ask leave to have inserted in the RECORD just after his speech a poem on Mexico.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, it is so ordered.

The poem is as follows:

#### MEXICO

You may speak of Christ to the savage, you may raise the cross on his land,

To the Yukon go, to the Ganges go, but halt at the Rio Grande!  
The Mongol will never molest you, you are safe with the dark Malay;  
But bring Christ's sign to the Mexican line and a gentleman bars your way.

You may build a hut in the jungle and kneel at your altar there,  
And a barbarous chief will thank you for teaching the ways of prayer;  
But speak of their God to the children in Our Lady's land of the South,  
And a highly civilized señor will show you his pistol's mouth.

No Indian rajah jails you if he sees you with stole and pyx;  
You will find no Dyak head-hunters thieving your crucifix;  
The convert redskin's honor is free of the robber's smirch—  
It takes a civilized señor to strip the walls of a church.

Ay, sometimes the heathen's sword blade has martyred the priest and the nun;

In a raw and ignorant frenzy the puerile thing was done;  
But this is no band of Zulus that down on the orphanage swoops—  
'Tis a highly civilized señor with his highly chivalrous troops,

You may speak in Mexico City in the name of Lenin the man,  
You may speak in the name of Mammon, you may speak in the name of Pan,  
You may speak in the name that is legion, you may speak in the name of hell  
And you're safe. But speak in the name of Christ—there's a different tale to tell.

The teaching that tamed the Vandal, the spirit that chastened the Goth,  
The wisdom that gave us Christendom, sole check on man's lust and wrath,  
You may spread it in cave or igloo, but not in your Mexican school—  
It displeases a civilized señor and it's banned by his civilized rule.

To Christ in His living members, Good Friday comes anew.  
To be honored thus by the world's dark hate is proof of their lineage true.

The spittle is flung on the kingly face, the thorns pressed down on the brow,  
And Our Lady of Guadalupe mourns—she is Mother of Sorrows now.

"I must follow the laws of the nation," he says, and so echoes the cry  
Of the decide rabble: "We have a law, and by that law let Christ die!"  
So the minions of Nero were righteous? And Robespierre's ethics unflawed?  
"Give unto Caesar," your gospel runs, "the things of both Caesar and God."

And the gentle women you harass—we know them and know their works.  
Do you hate them for serving, fearless, where the deadly fever lurks?  
Do you hate them for shielding the orphan, for keeping the child's soul white?

Is your warfare waged against them for this, O most doughty knight?

You may speak Christ's name to the savage, you may raise the cross on his land,

To the Ganges go, to the Yukon go—but halt at the Rio Grande!  
Eat bread and salt with the tribesman—he will honor and guard his guest;  
But break God's bread for peon unfed—there's a señor's gun at your breast!

—BENEN, in Far East.

#### WHITE SUPREMACY IN THE SOUTH

Mr. HEFLIN. Mr. President, I have been very much interested in the speech made by the Senator from South Carolina [Mr. BLEASE]. We hear a great deal about the colored vote in the South. We have an educational qualification and a poll-tax qualification for voters in my State, and those who can qualify under those provisions vote. There are negroes there who do qualify and vote. Our constitution has been submitted to the Supreme Court of the United States and has been held to be sound and valid. I do not see why people continue to harp upon conditions in the South when the suffrage clause of the constitution of every Southern State has been passed upon by the Supreme Court of the United States.

The Senator from South Carolina is correct in his statement and contention that the South will preserve white supremacy at any cost. We do not intend to submit to any other situation. I think the white man anywhere who is worth saving will agree with that principle. The white man who is not willing to suffer hardships and to fight, if need be, to preserve the supremacy of the white race in the United States is not a good American, I do not care who he is or to what party he belongs.

Mr. Lincoln in his debate with Douglas said that he was as much in favor as Douglas or anybody else was, as long as the two races were together, of keeping the white race in the superior place. He said that he opposed marriage between whites and negroes.

One just and severe criticism that can be made of the Republican Party is that in its desire for office it frequently permits principles and right to be toppled over in order to achieve temporary victory. That will not do. We must stand for right principles if the Government is to survive.

The white man has never given up white man's rule to any other race under the sun. Wherever he plants his flag he is master of the situation. Why not be plain and honest about this question here? We are going to rule this country. God Almighty intended we should rule it. He made the white man superior to every other race under the sun, and no amount of legislation or quibbling can improve on God Almighty's handiwork. It is really disgusting at times to hear some of those who live away off in some remote place in the far corners of the country talking about how they are going to meddle with and regulate the South. They are going to regulate the South just as the lightning bugs regulated the sun. They flashed their little lanterns in the nighttime, and when the sun rose up in the morning they went back under the bark where

they belonged, and the sun continues to shine in spite of the high resolves of the lightning bugs.

Mr. President, we have a great country, and we ought to try to preserve it in its integrity. We have to apply common sense to politics as well as to other things. We of the South know our problem better than you of the North do, and you of the North know your problem better than we do. I remember once there was a question before the Senate when my sympathies were wholly with the Senators from California, when they were undertaking to keep the Japanese from owning farms in that State. They had there what they called the "yellow peril," and I sympathized with them. I took the side of the people of California, and I wanted them to settle that question like they wanted to settle it by keeping the Japanese out. They had a problem there which, if it had not been solved as they sought to solve it, would have enabled the Japanese to overrun the white farms of California in a little while. The little Japs who were employed there ate little but rice and a few other things, and by living in that cheap mode of life and working for practically nothing they would soon have been in control of the vast acres of the Pacific slope, and the great white race would have been put out of commission and driven back into the interior.

We have a negro problem in the South. Instead of you of the North meddling with it and bothering with it, you should sympathize with us and help us to solve it in a way that we know is best for both races. The Republican Party gave the negro the ballot when he ought not to have had it. God Almighty kept the children of Israel 40 years in the wilderness before He would even let their leader see the promised land, but in the twinkling of an eye the Republicans gave the ballot to the negroes, who for generations had been slaves. In the twinkling of an eye you gave them that which, as Tom Watson, of Georgia, said, "The quick-witted Celt and thoughtful Saxon struggled a thousand years to achieve."

I have seen the negroes marched up to the ballot box in droves, paid so much per head, bought like sheep in the market place, and voted as the Republican leader wanted them voted, and their votes offset and killed the votes of the most intelligent white men in the community. The South had to disfranchise the vicious, ignorant, and purchasable negro vote. We had to do it in self-defense. The South had to do that to preserve her civilization and white supremacy. I repeat, instead of having some of you criticize us and having a few of you conniving together as to how you can upset some of our plans to preserve the white race in its integrity and keep clean and honest government in the South, you should all give us your sympathy and aid us in every way possible in solving this problem.

Mr. President, those who heard the speech of the great Senator from Nebraska [Mr. NORRIS], who talked nearly a day and a half on the purchase and control of the press of the country by the Power Trust, the Hydroelectric Power Trust, were astounded. They were astounded at the broad field that has already been covered by the agents of the Power Trust in the buying up and controlling the newspapers of the country. They absolutely control those agencies that mold public opinion in the United States. In his survey of the field the Senator from Nebraska showed what they were doing in my State. Some time ago one of the former press agents of the Alabama Power Co. in my State had three of the daily papers so well trained and so completely under his control that he wrote a letter to one of his superiors stating that he had arranged to have his statements appear as editorials in those three papers without even going to see them. He phoned and told them what to do. The newspapers in question were the Birmingham News and Age-Herald and the Advertiser at Montgomery, Ala.

Mr. President, I have no prejudice whatever against any power company. I wish every one of them well in their legitimate endeavors. They have made the mistake of their lives in trying to buy up and control the newspapers of the various States. Some thickheaded designing man, who wanted a job and an opportunity to handle money in the purchasing of newspapers for the Power Trust, advised these people to launch upon such an unfortunate and deplorable mission as that, and in following his advice they did a very unwise and dangerous thing. Theirs is a legitimate business—the supplying of that which gives light and heat and power is a blessing—and the people generally hail with delight the coming of such an agency into their State. And I am truly sorry that power companies have made the mistake of buying up newspapers in several States and trying to buy them in all the States. They are seeking to control the press of the country, they are trying to prevent information from going to the public that they do not want to go, and to give to the public only such information as they want the public to have. That is a bold and brazen effort

to suppress the truth. They want to control newspapers and have them support for public office men whom the power companies want in office and to defeat for office those whom the power companies want defeated.

The Senator from Nebraska [Mr. NORRIS] in his great speech depicted the condition in communities where the local newspaper was pleading for a fair deal for the public and asking that the consumers be permitted to have light and heat and power at a reasonable price—a commendable thing to do, and an honorable and useful service that the newspaper man was rendering. What sort of reward does the newspaper editor receive? He is told by one of the agents of the Hydroelectric Power Trust that if he does not cease to demand fair treatment for light and power consumers, they will establish another newspaper alongside of his and put him out of business.

Mr. President, that is using the power of money to destroy freedom of action on the part of a newspaper, an effort to destroy a free press; that is a reprehensible thing for them to do. They ought to abandon such a program. I will tell you what they ought to have done: When they went into the various States they ought to have said to the people, "We are here to develop and operate this great industry; we are here to give service to the people of the State; we want to make money, of course, but we are going to be fair and reasonable in our charges; we want your friendship and your cooperation; we want a fair deal by those in authority; that is all; we are not going to seek to put somebody on the public utilities commission who will grant the charges we desire to impose; we are not asking that; that would be unfair; it would be reprehensible and wrong; we want a public utilities commission which will do what is right, which will hear the facts when they are submitted, which will try the case properly and fairly, and deal justly with us and with the consumers."

Mr. President, if they had done that they would not have had any trouble anywhere. I repeat, the worst mistake the power companies have made was letting somebody launch them upon this course of buying up newspapers to control public sentiment, to put their idea over, and to crush out all opposition which might arise by honest men and women to their conduct within the State. Of course, it is wrong.

The Senator from Nebraska has told us of this great evil, and he warns us how our liberties are threatened by it; how the Power Trust boycotts newspapers that do not do their bidding; how they put up a newspaper alongside of the one operating in the community in order to kill it and to drive it out of the newspaper field. Those things are going on, not in two or three States, but in practically all the States of the Union. It is time that Congress was waking up to this phase of the dangers that threaten us.

#### INTERNATIONAL PAPER & POWER CO.

Mr. WALSH of Montana. Mr. President, I venture to interrupt the discussion to submit to the Senate some information particularly pertinent at this time.

On May 10 the Postmaster General transmitted a report in pursuance of Senate Resolution 53 consisting of the last statements filed by the papers mentioned in the resolution showing or purporting to show the ownership of the papers and other facts required by the statute of 1912. The Postmaster General tells us in his report, as follows:

It appears that these statements, which have just recently been received by the department, do not set forth all the information which is required to be furnished under the provisions of the act of August 24, 1912. Each of the publications has, therefore, been requested through the postmaster at the office where it is entered as second-class matter to submit an amended statement showing all the information required by the law. When these amended statements are received, a copy of each will be furnished the Senate.

I am advised that no copies have yet been received.

Mr. President, I desire to refer to the reports of each of these papers and to convey to the Senate information concerning them from the testimony taken by the Federal Trade Commission. We start with the two Boston papers, the Boston Herald and the Boston Traveler, one being a morning and the other an evening paper. The Boston Herald has an average daily circulation of 121,895. The report gives the information that the owners of that paper are various individuals and the Publishers' Investment Corporation whose stock, the report says, is owned by the International Securities Co., affiliated with the International Paper Co. The testimony before the commission is to the effect that it is substantially owned by the International Paper Co., and so we may very properly say that the International Paper Co. is one of the stockholders of the Publishers' Investment Corporation which publishes those two papers.

Some time ago the International Paper Co., acting through its president, one Graustein, acquired 50 per cent of the stock of the Boston Publishing Co., each one of the stockholders surrendering one-half of the shares owned by him. The purchase by the International Paper Co. consisted of 10,248 shares for which it paid \$525 a share, amounting to \$5,379,200, so that the purchases were made by the International Paper Co. on a basis of a valuation of those two papers in the sum of \$10,798,400.

I should say that the report by the two papers mentioned are made by one Wenderoth, who subscribes himself as treasurer of the Boston Publishing Co. The statute designates certain officers of the corporation, should the paper be owned by a corporation, to make the report, not including the treasurer, so that in that respect those two reports do not conform to the law; but otherwise they seem to be in substantial compliance with it.

The statute requires that the owners of the paper be designated in the report and if the paper is owned by a corporation the stockholders of the corporation must be indicated in the report.

The Chicago Daily News makes a report which is signed by one James M. Shryock, the secretary and business manager of the News. That paper has an average daily circulation of 432,929 copies. The report lists a number of the individuals as the owners of the paper, including A. R. Graustein. The owners listed are as follows: Chicago Daily News: Walter A. Strong, Charles H. Dennis, James L. Houghteling, Sewell L. Avery, Chicago Title & Trust Co., executor for James A. Pat-ten, DeSoto Securities Co., A. R. Graustein, and William L. McLean, care of Pennsylvania Co., Philadelphia.

The testimony of Mr. Graustein taken before the Federal Trade Commission shows that the International Paper Co. owns 4.15 per cent of the preferred stock of \$250,000 in value and 5,000 shares, or 1.25 per cent, of the common stock. There is no intimation in the report that Mr. Graustein is not the entirely independent owner of his interest in the paper. Although it does not appear that the individual owners listed are the stockholders of the Chicago Daily News (Inc.), it seems quite likely that that fact is to be gathered from the reports. However, Mr. Graustein testified, as I have indicated, that he bought the stock for the International Paper Co.

I read now paragraph 4 of the reports, which is found on each page of them and constitutes a feature of the blanks furnished by the Post Office Department to the owners of the various papers required to report:

That two paragraphs next above—

Those are the paragraphs indicating who are the owners and who are the bondholders of the paper—

That the next two paragraphs above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company, but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest, direct or indirect, in the said stock, bonds, or other securities than as so stated by him.

So it appears that the officer making the report and swearing to it as required by the law tells that he has no knowledge whatever or any information that would lead him to believe that Mr. Graustein holds the stock in trust for anybody, while the fact is, according to his own testimony, that he holds it in trust for the International Paper Co.

It may be, and we are perhaps bound to assume that Mr. Shryock, the actual secretary and business manager of the Chicago Daily News, did not know that Mr. Graustein holds stock in trust for the International Paper Co. and that his statement is technically true. But I call attention to the fact for the purpose of indicating to the Senate how easy it is under the existing law to make a report which in fact does not give the information which it was expected the statute would divulge.

The Chicago Daily Journal is a paper which has an average daily circulation of 80,382. The report for that paper is made by Mr. S. E. Thomason, who subscribes himself as the publisher of the Chicago Daily Journal. It recites that the owners of the paper are the Journal Co., Bryan-Thomason Newspapers (Inc.), and William A. S. Mulligan. The same recital is contained in the report to the effect that the subscriber has no

knowledge or information that any stockholder holds stock which stands in his name in trust for any other person.

The Bryan-Thomason Newspapers (Inc.) is presumably a corporation, and presumably also the Journal Co. is a corporation. The statute requires that wherever it appears that the owner of the paper is a corporation the names of the stockholders must be given. No stockholders of either of these corporations is given in the report, and consequently it does not comply with the requirements of the statute. Doubtless this is one of the reports to which the Postmaster General refers when he says that some of the reports do not give all of the information which is required by the statute.

However, of the Bryan-Thomason Newspapers (Inc.) the International Paper Co. owns \$600,000 of the preferred stock and \$1,600,000 of the debentures. The report gives us no information indicating that this company holds the debentures of the Bryan-Thomason Newspapers (Inc.). The International Paper Co. also owns 10,000 shares of the common stock of the Journal Co., according to the testimony of Mr. Graustein, and he thinks, he says, that that is the stock standing in the name of William A. S. Mulligan.

Mr. Thomason negotiated for the interest in this newspaper now held by the International Paper Co., and presumably must know, as is testified to by Mr. Graustein, that the stock standing in the name of Mulligan is really held by Mulligan in trust for the International Paper Co.

Accordingly, Mr. President, it would appear that not only is this report defective in a most essential particular, in not giving the names of the stockholders, but it would appear as though it is false within the knowledge of the subscriber to it, in respect, at least, of the ownership of the stock standing in the name of Mulligan.

The Tampa Tribune has a circulation of 46,144 average daily. The affidavit in that case is made by one J. S. Mims, general manager, although the statute requires that the affidavit be made by various officers not including the general manager, but the business manager. That, however, is, perhaps, merely a technicality. It tells us that the owner of the paper is the Bryan-Thomason Newspapers (Inc.), of Chicago, Ill., but gives no stockholders of the Bryan-Thomason Newspapers (Inc.), and therefore does not meet the requirements of the statute.

Of the Bryan-Thomason Newspapers (Inc.) the International Paper Co. owns, as heretofore stated, all of the preferred stock to the amount of \$600,000, two-thirds of the common stock, and a million dollars of the debentures of that company.

The Greensboro (N. C.) Daily Record comes next. The affidavit in that case is signed by Mr. J. R. Brumby, general manager of the company, and recites that the owners of the paper are the Record Co., S. E. Thomason, John Stewart Bryan, and R. C. Kelly. Mr. Graustein testified before the Federal Trade Commission that almost all of the stock of the Record Co., which owns the Greensboro Daily Record, is owned by the Bryan-Thomason Co., whose relations to the International Paper Co. have heretofore been referred to. Accordingly, Mr. President, the facts are not truly stated with respect to the ownership of that newspaper.

Likewise this contains the usual paragraph 4, which I read, indicating that the subscriber has no information which would lead him to believe that the stock standing in the name of any stockholders is held in trust for anyone else.

The Knickerbocker Press and the Albany News are owned by the Press Co. The Knickerbocker Press, published at Albany, N. Y., has a circulation of 32,098, and the Albany News, which is an evening paper owned by the same company, has a circulation of 46,663. The report declares that the properties are owned by the Press Co., by Frank E. Gannett, by the Piedmont Press Association, and Ewen C. MacVeigh. The testimony before the Federal Trade Commission shows that the papers, in fact, are owned not by the Press Co. but by the Albany Knickerbocker Press, and that all of the stock of the company is owned by the Press Co. The International Paper Co. owns 3,000 shares of the common stock of the Knickerbocker Press and \$450,000 of its preferred stock, which stands in the name of the Piedmont Press Association, a subsidiary of the International Securities Co., which is said to be affiliated with and practically owned by the International Paper Co. The affidavit is made by Arthur D. Hecox, business manager.

The Brooklyn Daily Eagle is a newspaper which has a circulation of 86,201. The owners of the paper, as stated in the report, are the Brooklyn Publishing Corporation and various individuals. The report states that there are no known bondholders, mortgagees, or other security holders. All of the common stock of the Brooklyn Publishing Corporation is owned by the Brooklyn Daily Eagle Corporation, which in turn owns 10,217 shares, or 68.1 per cent of the capital stock of the Brook-

lyn Daily Eagle Corporation, a combination that is a little confusing.

The International Paper Co. owns 400 shares, or 40 per cent, of the common stock of the Brooklyn Daily Eagle Corporation. It also holds notes of the Brooklyn Daily Eagle Corporation amounting to \$1,954,500.

I give the facts, Mr. President, as they are given in the various reports and in the testimony before the Federal Trade Commission; but it is due to this newspaper and to the Albany News and the Knickerbocker Press to say that Mr. Gannett, the principal owner of these properties, has, according to statements in the press, since these revelations, taken up all of the interests of the International Paper Co. in any of them.

The Augusta Chronicle is a paper with a circulation of 12,503. According to the report, the owners are the Augusta Chronicle Publishing Co., all of the common stock of which is owned by Harold Hall and William La Varre. These two men were provided with \$855,000 to buy the above newspapers, the Columbia Record, and the Spartanburg Herald and the Spartanburg Journal, furnished by the International Paper Co. They traveled about the South under arrangement with the International Paper Co. to buy newspapers, that company paying their expenses, amounting to some \$15,000; at least, they received that much for their expenses in effecting these purchases. They have given no notes for the money advanced by the International Paper Co., but one of them said they expected to do so. They still hold the stock in these companies, but they say they have indorsed the stock in blank and at some time they are going to turn it over to the International Co. as collateral security for the notes which they propose to give some time in the future.

Graustein stated, in his testimony before the Federal Trade Commission, that the International Paper Co. holds all of the stock of those newspapers. So he regards the stock of these papers as belonging to the International Paper Co. The affidavit in that particular case is signed by Hall and La Varre, and, if Mr. Graustein is to be believed, the affidavit is false in that it states, as I have indicated:

The said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest, direct or indirect, in the said stock, bonds, or other securities than as so stated by him.

The Columbia Record has a circulation of 15,678. The ownership is the same as that just indicated, although the report says that the property is owned by the Record Publishing Co., all of the stock of which is owned by William La Varre and Harold Hall.

The Spartanburg Herald has a circulation of 9,547. The report says that it is owned by the Spartanburg Herald-Journal Co. and by various individuals, not including Hall and La Varre. The affidavit bears date of the 27th day of April. It was really, as a matter of fact, owned by Hall and La Varre, although the certificates of stock were not transferred to them until the 27th or 28th day of last April. The affidavit is made by W. W. Holland, manager of the newspaper, and so it may be that his report as of that date actually discloses the situation of affairs as it appears from the stock books of the company. He likewise testifies in the affidavit that he has no knowledge or information that anybody else has any interest in the property.

The Spartanburg Journal report is of substantially the same character. It has a circulation of 5,956 copies daily.

It would appear quite likely, then, Mr. President, from these reports, not only that the statute has not been complied with in very important particulars, but that the reports, in some aspects, at least, are far from the truth about the matter.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH of Montana. I yield.

Mr. FESS. Is the criticism of the Senator applicable to the present Postmaster General, in that he did not comply with the resolution of the Senate, or that the reports to the department are not in conformity with the statute?

Mr. WALSH of Montana. Oh, no; the Postmaster General has fully complied with the resolution.

Mr. FESS. I thought that was so; but I was not sure whether or not the criticism was directed to that point.

Mr. WALSH of Montana. I assume that he has not sent the supplementary reports, because they have not been received.

Mr. FESS. We can be assured that he will send them.

Mr. WALSH of Montana. I have no doubt he will.

Mr. President, in view of the situation I offer the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 64), as follows:

*Resolved*, That the report transmitted to the Senate by the Postmaster General pursuant to Senate Resolution 53, Seventy-first Congress, first session, be, with the report of the Federal Trade Commission to the Senate pursuant to Senate Resolution 83, Seventieth Congress, first session, No. 14, filed May 15, 1929, forwarded by the Secretary of the Senate to the Attorney General for such action as may be appropriate by the Department of Justice, and that the Attorney General be requested to advise the Senate what legislation, if any, is necessary in his judgment to make completely effective the provisions of the second paragraph of section 2 of the act approved August 24, 1912.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. The Senator from Montana has the floor. Does he yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield to the Senator.

Mr. NORRIS. I was not in the Chamber at the beginning of the Senator's remarks, and I may be asking something that he has explained; but I wish to inquire of the Senator whether the reports to which this resolution refers include the reports that were made in the case of the Chicago Journal by Mr. Thomason.

Mr. WALSH of Montana. Yes; they do.

Mr. NORRIS. Has the Senator examined the affidavit made by Mr. Thomason as to circulation and ownership of stock and bonds, and compared it with the testimony of Mr. Thomason before the Federal Trade Commission?

Mr. WALSH of Montana. I have; yes.

Mr. NORRIS. I should like to inquire of the Senator whether the testimony of Mr. Thomason does not disclose that he made an affidavit as to circulation which was untrue?

Mr. WALSH of Montana. I did not compare the statement concerning the extent of the circulation found in the report with any testimony given by Mr. Thomason on that subject. I have confined myself to the matter of ownership and interest.

Mr. NORRIS. I think the question I am asking has a direct bearing on the resolution.

Mr. WALSH of Montana. I may say to the Senator that I did not know that he testified concerning the extent and the amount of circulation.

Mr. NORRIS. I have not his testimony. I have not seen it, and all I know about it is some newspaper accounts of it; but it struck me when I read those accounts that there was a conflict there. Has the Senator those affidavits before him?

Mr. WALSH of Montana. I have; yes.

Mr. NORRIS. Will the Senator look at the affidavit, and give me the name of the person shown to be the owner of some bonds or other securities?

Mr. WALSH of Montana. The information given by the report is as follows:

That the known bondholders, mortgagees, and other security owners owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: Chicago Title & Trust Co., Chicago, Ill., is trustee for an issue of \$900,000 6 per cent first-mortgage bonds. No other known holders of 1 per cent or more of said bonds. Harris Trust & Savings Bank, Chicago, Ill., is trustee for an issue of \$1,000,000 par value 6 per cent serial gold debentures. Harris Trust & Savings Bank is trustee for Bryan-Thomason Newspapers (Inc.). No other holders of 1 per cent or more of said debentures.

The Senator understands, I take it, the relation between the Bryan-Thomason Newspapers (Inc.) and the International?

Mr. NORRIS. Yes. If I had known that the Senator was going to introduce this resolution I would have looked the matter up. It may be that I have misconceived the effect of what I had read. If I had the correct idea, the resolution ought to contain something else besides what the Senator has put in it, in my judgment; but since the affidavit the Senator has read does not bear out what I thought it did, I may have another affidavit in mind. Did he make a subsequent affidavit, an amendatory affidavit?

Mr. WALSH of Montana. No; none has been received.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. FESS. I suggest that we let the resolution go over until to-morrow.

Mr. WALSH of Montana. That will be satisfactory to me.  
The PRESIDING OFFICER. Objection is made. The resolution will lie over under the rule.

PUBLICATION OF PROCEEDINGS OF EXECUTIVE SESSION

Mr. REED. Mr. President, from the Committee on Rules, by unanimous vote, at a meeting held this afternoon at which every member was present, I am directed to report the resolution which I send to the desk. I ask to have the resolution read, and then I shall ask unanimous consent that the unfinished business may be temporarily laid aside and the resolution considered.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

Mr. REED. I am glad to withhold my request for that purpose.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	King	Shortridge
Ashurst	Fletcher	La Follette	Simmons
Barkley	Frazier	McKellar	Smith
Bingham	George	McMaster	Steck
Black	Glass	McNary	Stelwer
Blaine	Glenn	Metcalf	Stephens
Bleuse	Goldsborough	Norbeck	Swanson
Brookhart	Hale	Norris	Thomas, Idaho
Broussard	Harris	Nye	Thomas, Okla.
Burton	Harrison	Oddie	Townsend
Capper	Hatfield	Overman	Trammell
Caraway	Hawes	Patterson	Tydings
Connally	Hayden	Phipps	Vandenberg
Copeland	Hebert	Pittman	Wagner
Couzens	Heflin	Ransdell	Walcott
Cutting	Howell	Reed	Walsh, Mass.
Dale	Johnson	Robinson, Ind.	Walsh, Mont.
Deneen	Jones	Sackett	Warren
Dill	Kean	Schall	Waterman
Edge	Kendrick	Sheppard	Watson

The PRESIDING OFFICER (Mr. McNary in the chair). Eighty Senators having answered to their names, a quorum is present. The Secretary will read the resolution submitted by the Senator from Pennsylvania.

The legislative clerk read the resolution (S. Res. 65), as follows:

*Resolved*, That the report and publication of the proceedings of the Senate in executive session on the 17th day of May, 1929, is a breach of the privileges of the Senate, made possible only by a violation of the rules of the Senate by some Member or officer of the Senate; that this is a willful disregard of the obligation of duty and honor resting upon every one admitted to an executive session, tending to bring contempt upon the Senate, and deserves and should receive severe censure and punishment.

Mr. LA FOLLETTE. Mr. President, reserving the right to object, I want to ask the Senator from Pennsylvania whether or not the Committee on Rules took any other action at its meeting to-day?

Mr. REED. Yes, Mr. President. The committee unanimously passed a resolution excluding the United Press Association from the further privilege of the floor of the Senate. It also resolved to meet next Monday morning and to summon witnesses at that time in an effort to learn what Member of the Senate or official of the Senate is responsible for the leakage of this information.

Mr. LA FOLLETTE. May I inquire of the Senator by what authority the Committee on Rules either excludes from or admits to the floor of the Senate individuals who are not named in the Rule XXXIII of the Senate?

Mr. REED. By a resolution of the Senate, which puts that matter in the hands of the chairman of the Committee on Rules.

Mr. LA FOLLETTE. Will the Senator cite me to that resolution? I have been endeavoring to find it, and can not do so.

Mr. REED. The chairman of the committee could do that. I do not see him here. That has been the practice for many years, and the chairman stated to-day in the meeting that he considered that there was no doubt but that he had authority of his own initiative to make that order, but he did not wish to do it without referring it to the full committee. It happened that every member of the Committee on Rules was in attendance at the meeting this afternoon, and by unanimous vote the action suggested was directed to be taken by the chairman.

Mr. LA FOLLETTE. Mr. President, I have not only endeavored to find authority for the Committee on Rules, or the chairman thereof, to grant the privileges of the floor to individuals who are not mentioned in the rules, but I have also consulted Mr. Watkins, who acts as unofficial parliamentarian of the Senate, and up to this time he has been unable to find any such authority.

I should like to say that so far as I am personally concerned it seems to me a great wrong is being done a press association of this country in denying it the privilege of the floor merely because an employee of that association has printed a story concerning action of the Senate, even though it be taken in executive session. The individuals representing those press associations who come upon the floor of the Senate have taken no oath to observe the rules of the Senate. They are not under any obligation, either directly or indirectly, to regard the rules of secrecy of the Senate. The action of a committee of the Senate to bar a press association from the privileges of the floor of the Senate merely because an employee of that press association had obtained and printed a story which every one admits was a news story, and a legitimate news story, from the point of view of the newspaper men, is a great injustice.

I am very anxious to clear up the point as to whether or not the Committee on Rules, by some resolution of the Senate, has the authority to enlarge or to curtail the privileges of the floor of the Senate. If the Senator will refer to the rule concerning the privileges of the floor, he will find that the rule itself is very specific. It names certain persons eligible to the privileges of the floor. I read Rule XXXIII, as follows:

RULE XXXIII. PRIVILEGE OF THE FLOOR

No person shall be admitted to the floor of the Senate while in session, except as follows:

The President of the United States and his private secretary.  
The President elect and Vice President elect of the United States.  
Ex-Presidents and ex-Vice Presidents of the United States.  
Judges of the Supreme Court.  
Ex-Senators and Senators elect.  
The officers and employees of the Senate in the discharge of their official duties.  
Ex-Secretaries and ex-Sergeant at Arms of the Senate.  
Members of the House of Representatives and Members elect.  
Ex-Speakers of the House of Representatives.  
The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.  
Heads of the executive departments.  
Ambassadors and Ministers of the United States.  
Governors of States and Territories.  
The general commanding the Army.  
The senior admiral of the Navy on the active list.  
Members of national legislatures of foreign countries.  
Judges of the Court of Claims.  
Commissioners of the District of Columbia.  
The Librarian of Congress and the Assistant Librarian in charge of the Law Library.  
The Architect of the Capitol.  
The Secretary of the Smithsonian Institution.  
Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

I point out to the Senator that the rule is very specific, and it is obviously intended to cover all those to whom the Senate desired to extend the privileges of the floor. I have been through the standing orders of the Senate and the precedents and I can not find any standing order of the Senate extending this authority to the Committee on Rules or its chairman, nor can I see how, by resolution, unless it were in the nature of an amendment to this rule—and it does not appear in the rule itself—could the chairman of the Committee on Rules, or the committee itself, have been given authority to grant the privileges of the floor to others than those specifically named in the long list which I have just read from the rule for the information of the Senate.

Mr. REED. Mr. President, if I may answer the points the Senator has raised, this resolution now under consideration has nothing whatever to do with the United Press Association, or with any newspaperman. This is merely a resolution of censure of the Senator or Senate official who gave out the information about that executive session.

Mr. LA FOLLETTE. That is true, Mr. President.

Mr. REED. And I may say it is in exactly the form in which the Senate took similar action in 1884, when a similar case arose.

Mr. LA FOLLETTE. Ah, yes, Mr. President, but very different action was taken in that case. The name of the Senator was mentioned in the resolution.

Mr. REED. I beg the Senator's pardon. There is absolutely no difference between the resolution of March, 1884, and the resolution now on the desk, excepting the date. The date appearing in that resolution was March—whatever the day was—1884, and in this case it is May, 1929. Otherwise the

resolution is word for word the same as that offered by Senator Sherman.

Let me answer further. The Senator says that a reading of the rules does not show that the Committee on Rules or the chairman of that committee has authority to admit to the floor anyone except those persons named. Of course, that question is not involved in this resolution, but it might as well be answered now.

If that is the case, then certainly no criticism can be offered of the action of the Committee on Rules in barring from the floor somebody not authorized by the rules, which is what has been proposed to-day.

Mr. LA FOLLETTE. There can be, in my judgment, serious objection to that action. It is in the nature of a disciplinary measure against a representative of that press association, because the Committee on Rules continues to give the rights of the floor to the other press associations, who, for the particular moment, do not come under the displeasure of the Committee on Rules or its chairman. The Associated Press, the International News Service, the Universal Service, the United News, are still given the privileges of the floor. There certainly is no logic in the committee's action, assuming, for the sake of argument, that the premise of the committee is correct, because the committee has denied the privileges of the floor to the afternoon service of the United Press, but are proposing still to continue to give the privileges of the floor to their morning service.

Mr. REED. Mr. President, to answer that, the United Press is directly to blame for this, and there is no reason why we should single out Mr. Mallon and make a martyr of him. It was not Mr. Mallon, but it was the United Press itself that copyrighted this article, and that appears both at the head and at the foot of the article itself. They can not disclaim responsibility and pass it over to Mr. Mallon and make him the scapegoat, and the committee is not inclined to let that be done. The United Press itself copyrighted this material before they sent it out, and the United Press ought to bear the consequences.

Mr. LA FOLLETTE. It goes to the question of whether or not the action of the committee was sound and whether or not they are correct in having attempted to discipline this press association for carrying a certain newspaper story.

Mr. REED. That is right, and that question can be threshed out when it arises; but it is not involved in this resolution at all.

Mr. LA FOLLETTE. I realize that, Mr. President; but the Senate will be in session for several days, and the other three press associations will have the privileges of the floor. The United Press Association is to be barred from the floor by the action of the committee, which is the creature of the Senate, and, so far as I was personally concerned, I did not want that discrimination against a press association to continue unless it had the approval of a majority of the Senate.

Mr. REED. That is a question for the chairman of the committee to answer.

Mr. LA FOLLETTE. I realize that, but in the absence of the chairman of the committee I am forced to interrogate the Senator from Pennsylvania, because I myself am not a member of that committee.

Mr. REED. I am offering this resolution because the committee instructed me to offer it. It has nothing whatever to do with the press association or the questions that have arisen about it. It is simply directed at the Senator or Senate official who is responsible for this disclosure.

Mr. LA FOLLETTE. Mr. President, I am going to comment on the resolution in a moment. I was simply making clear to the Senator my reasons for interrogating him about the additional action which had been taken by the Senate Committee on Rules in connection with this matter.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. REED. I yield.

Mr. OVERMAN. For eight years I was chairman of the Committee on Rules preceding Senator Knox, of Pennsylvania. When I became chairman of that committee certain press men came to me and asked me if they could have the privilege of the floor. I think that applied to only two press associations, the Associated Press, and perhaps one other. I inquired about the matter, and was given to understand that it had been the universal rule that the chairman of the Committee on Rules in his discretion could grant the privileges of the floor to these particular press associations. So I took the liberty of doing that, by consent of the Committee on Rules, and there has been no objection to it. I understand it has been the custom for years and years and years, under Senator Knox,

Senator Aldrich, and myself, and it has been extended under Senator Moses.

Mr. REED. And also Senator Curtis.

Mr. LA FOLLETTE. Mr. President, the fact that it has been the practice of the Committee on Rules does not answer the question as to whether or not the committee has authority in the premises. I directed my inquiry to that point, because if the Committee on Rules is acting by acquiescence, and without authority, then, when it takes action which is not justified in the mind of any Senator, he is privileged to demand the enforcement of the rule regardless of how long the practice may have existed, to permit the chairman of the Committee on Rules or the committee itself to extend or curtail the privileges of the floor.

Mr. OVERMAN. I think the Senator is right about that, as far as there being an order is concerned, but the privilege has been extended by common consent, and if any Senator should object to a press representative being on the floor, under the rules he could not come on the floor.

Mr. LA FOLLETTE. Exactly. A few moments ago I raised a question concerning the phraseology of the resolution, and stated that in the particular instance referred to by the Senator from Pennsylvania the name of the Senator had been given. The Senator was correct in his statement. The precedent which I had in mind related to an incident which occurred exactly 40 years previous to the one to which he referred. The one I had in mind was in 1844, and I think the one to which the Senator from Pennsylvania referred was 1884. In 1844 the Senate passed a resolution of censure against a then Senator from Ohio, Benjamin Tappan, who had given to a New York newspaper a confidential communication printed for the use of the Senate in executive session. At that time the Senate passed a resolution censuring the then Senator from Ohio. It was that particular incident which led to the addition to the rules providing that—

Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate and to punishment for contempt.

Mr. MOSES entered the Chamber.

Mr. LA FOLLETTE. Mr. President, in spite of the fact that the Senator is able to refer to a precedent in 1884 involving the passage of a similar resolution containing a blanket indictment, I feel that this is an injustice to every Member of the Senate and to every employee of the Senate. It casts suspicion upon the employees and upon every Member of the Senate. If any resolution of censure is to be adopted, the Committee on Rules should conduct an investigation, and they should be able to report to the Senate the name of the Senator, if there be any, or of the employee, if there be any, who has violated the rules of the Senate. It accomplishes no good purpose to pass a resolution declaring that the person, if any there be, who violated the rules is subject to censure. That goes without saying, and it adds nothing to the dignity of the Senate nor does it relieve the situation in the slightest degree to pass a resolution of that character.

Therefore I shall object to its immediate consideration, and I shall hope that if the Committee on Rules desires to offer a resolution of censure it will be only after it has conducted an investigation and is in a position to come before the Senate and submit evidence proving that some Senator or group of Senators or some employee or group of employees has violated the rules of the Senate. That has not yet been demonstrated, I may say. As a matter of fact, I agree with the statement made by the senior Senator from Nebraska [Mr. NORRIS] on the floor on yesterday afternoon that it is not without possibility that the particular roll call could have been obtained without the assistance of any Senator or any employee of the Senate; but only an investigation can disclose the facts. It is absolutely fruitless for the Senate to pass a resolution declaring in effect that if any Member of this body or any employee of this body has violated the rules, then he is subject to censure. Therefore I object to the present consideration of the resolution.

Mr. REED. Mr. President, objection having been made, I ask that the resolution go to the calendar.

Mr. LA FOLLETTE. Furthermore, Mr. President, I would like to serve notice—

The PRESIDING OFFICER. The present occupant of the chair would advise the Senator from Pennsylvania that no request was made for the present consideration of the resolution. The Senator from Pennsylvania stated that he would probably make the request, but he did not do so. Therefore, in order to perfect the record, does the Senator from Pennsylvania desire to ask for the present consideration of the resolution?

Mr. REED. I make the request that unanimous consent be granted to lay aside temporarily the unfinished business and to proceed to the consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. Objection is made. Under objection, the resolution goes over under the rule and will be printed and placed on the calendar.

Mr. LA FOLLETTE. Mr. President, I would like to be recognized, if I may, for a moment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. LA FOLLETTE. I want to say a few words further concerning the action taken by the Rules Committee in depriving the United Press Association of the privileges of the floor. As I view the matter the United Press violated no newspaper ethics and violated no rule of the Senate in obtaining a legitimate piece of information concerning the public business and printing it.

Let me say that I make a very clear distinction between the application of the rule of secrecy to Senators and to the employees of the Senate on the one hand, and on the other hand to the representatives of the various newspapers and the press associations who have the privilege of the floor and who have the privilege of the press gallery. No newspaper representative is required to take any oath or to make any statement concerning the rules of the Senate. He obtains his privilege to sit in the press gallery and to come upon the floor of the Senate because he is a representative of a newspaper or of a great news-gathering organization. So far as his obligations are concerned they are discharged if he honestly and fairly reports the facts concerning the public business as he gathers them. His responsibility is to the reading public and not to the Committee on Rules. No charge can be made against Mr. Mallon, the representative of the United Press, or any other person involved in the writing of this story that he did not conduct himself as an ethical newspaper man.

Let us take some other situation. Assume, for instance, that there was a meeting here in Washington of an important committee organized under a resolution passed by the Congress. Assume that the committee met in secret. Would any Senator say that a newspaper man had violated newspaper ethics if in the legitimate pursuit of his duties he ascertained what he believed to be the facts concerning the transactions which that committee had in secret? I do not think there is a single individual here who would raise a question of the ethics of the newspaper man in obtaining that story and in printing it.

I believe that is absolutely analogous to the case which is now presented to the Senate. A certain representative of a great press association obtained what he believed to be an accurate account of how Senators voted in executive session. He printed that story. The story was printed under his by-line. He assumed responsibility and staked his reputation as a newspaper man on the fact that he believes it to be accurate. Is there a Senator in the Chamber who will maintain that Mr. Mallon was not discharging his duty to his profession and to the reading public in obtaining that information and in printing it if he could secure it?

Mr. President, feeling as I do that in so far as the representative of the press association was concerned he has violated no rule of the Senate, that he has violated no principle of newspaper ethics, I believe that a great discrimination has been done by the Rules Committee in barring the United Press from the floor of the Senate while extending that privilege to the other great press associations. I have already, as I stated, studied the rules and the precedents. I do not find either in the rules or in the precedents or in the standing orders of the Senate any authority for the Committee on Rules to suspend or curtail the privileges of the floor as provided specifically in Rule XXXIII of the Senate.

In order to prevent this discrimination against the press association, I now give notice that upon the appearance on the floor of the Senate of any representative of a press association or any newspaper man or other person not given the privilege in the rules of the Senate, I shall call upon the Chair to enforce the rule.

Mr. TRAMMELL. Mr. President, will the Senator permit a question?

Mr. LA FOLLETTE. I am glad to yield.

Mr. TRAMMELL. I understand the Senator has studied the rules involved in the question. According to his interpretation of the rules no one has any authority to permit a representative of the press on the floor of the Senate?

Mr. LA FOLLETTE. I qualify that by saying that I have not as yet been able to complete my study of the rules and the precedents, but as far as I have been able to go in studying the matter I have found neither in the rules nor in the precedents nor in the standing orders of the Senate any authority giving the chairman of the Committee on Rules or the committee itself the right to extend or curtail the privileges of the floor to anyone.

Mr. TRAMMELL. That is the way I understood it, that they had no right to exclude and, on the other hand, that the Rules Committee had no right to permit a representative of the press on the floor, and that only those who are enumerated in the rules are entitled to the privileges of the floor.

Mr. LA FOLLETTE. That is correct.

Mr. TRAMMELL. Therefore, under the circumstances, it occurred to me that if a member of the press comes on the floor and we are going to ignore the rights of the Rules Committee and say they have none, all we have to do is to request the Sergeant-at-Arms to have that person removed, if he be a member of any press association, regardless of this incident. That is the only conclusion I could gather from the remarks of the Senator from Wisconsin.

Mr. LA FOLLETTE. The only point I am making is that if such action is taken as a disciplinary measure—and I think it can be given no other construction—against a certain press association for printing what I believe to be a legitimate news story, in which the author of that news story violated no rule of the Senate and no professional ethics, I shall insist upon the rule being uniformly enforced and all members of the press being barred from the floor, because only in that way can I as an individual Senator, believing that the committee has committed a grievous wrong against a press association, secure an even-handed administration of the rules. It is my purpose, if it be within the power of an individual Senator to do so, to prevent the privilege of the floor to be used as a disciplinary measure upon the pleasure of the Committee on Rules.

Mr. NYE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I yield.

Mr. NYE. I should like to inquire of the Senator from Wisconsin, who has made such a splendid address upon the subject, what is his reaction to the fact that on Monday morning, May 20, 1929, the Washington Herald published an editorial, of which I wish to read two short paragraphs, as follows:

The appointment of Lenroot is a discredit to the administration—his confirmation a discredit to the Senate.

If the so-called Democrats in the Senate had any democracy in their hearts or hides, they would have united with the progressive Republicans to defeat the confirmation of a Power Trust lobbyist to an important judicial position.

I want to inquire of the Senator from Wisconsin why the editor of the Washington Herald is not, along with this correspondent of the United Press, subject to suspicion and being deprived of the rights of the floor?

Mr. LA FOLLETTE. I do not think the editor of the Washington Herald has ever been extended the privileges of the floor. It simply emphasizes the point which I think goes to the heart of the matter, namely, that news associations and those having the privileges of the Press Gallery should be subject to rules of good conduct, so far as their profession is concerned, and not be subject to disciplinary measures taken by a group of Senators, even though they be upon the Rules Committee, who desire to censure or discipline a correspondent or a representative of a press association merely because he has printed some story which does not meet with the approval of a certain group of Senators in this body.

Mr. NYE. The Senator from Wisconsin surely will admit that the editorial from the Washington Herald involves facts which are presumed to have been secret and to have been only the property of the Senate.

Mr. LA FOLLETTE. Yes; I admit that, but I do not see that it is a case in point because as I understand it the editor of the Washington Herald is not accorded the privileges of the floor and the objection which I am making to this action on the part of the Rules Committee is that it is disciplinary action and in my judgment it is taken without justification or authority.

Mr. NYE. Mr. President, does not the Washington Herald have a representative who has the privilege of the floor of the Senate?

Mr. LA FOLLETTE. I think it has not a direct representative who has the privilege of the floor. Of course, the Wash-

ington Herald, being one of the Hearst chain of newspapers, is supplied with its news by the International News Service and the Universal Service. Those press associations have had the privilege of the floor subject to the pleasure of the chairman or the members of the Committee on Rules. I propose to put an end to this practice.

Mr. JOHNSON. Mr. President, I want to express my wholehearted agreement with much that has been said by the Senator from Wisconsin [Mr. LA FOLLETTE], and I want to express as well my very vigorous dissent from the action which has been taken by the Rules Committee in barring the United Press Association from the floor of the Senate. I do not recognize the right of the Rules Committee of the Senate to bar the United Press Association from the floor of the Senate, while other news agencies are permitted on it; and I do not recognize the right of the chairman of the Committee on Rules to indulge in any such action or any such discrimination as between the various news agencies.

This is apart from what may have been done in the recent controversy; but I have been here for 13 years. During that period I have been interested in some executive sessions; I have conducted some contests in those executive sessions. There has never been a time during the period I have been here, nor has there ever been a contest in which I have been interested, but that I have read in the New York newspapers on the day following the contest a fairly complete recital of what transpired in executive session. Of course, I resent the idea that that sort of thing is done, just as every other Senator in this body will resent the idea, but, nevertheless, it is done and done continually.

I read in the various newspapers that I peruse the story of what transpired the other day in executive session upon the Lenroot nomination. I am not speaking now of the publication of the roll call; I am speaking of what transpired during the course of the session. I read in a western newspaper an account of the argument which was made by the Senator from Nebraska [Mr. NORRIS]; I read some of that which was said in reply to the argument made by the Senator from Nebraska. I read in some other newspaper, I recall, what was said by the Senator from Wisconsin [Mr. BLAINE] upon the floor; and he probably has read it in many newspapers, because, unfortunately, we read what relates to ourselves on any and on all occasions with avid interest. [Laughter.]

I recall, sir, that this has been the situation always. The question that is presented now, about which there is all this ado, is whether or not a more heinous offense is committed by the publication of a roll call than by the publication of an epitome of the proceedings of an executive session. If the wrong is in publishing what transpired in executive session, summon all the newspaper correspondents who are in the Senate Gallery in regard to the accounts which they have published of executive sessions. If the heinousness consists in the publication of the roll call, wherein is the logic to say that that, and that alone, may make the publication worse and more reprehensible than the publication of the facts themselves?

I submit to you, sir, that while wrong is done whenever there is by any man upon this floor a disclosure of what transpires in executive session, and while I readily concede, of course, as we all do, that there ought never to be such a disclosure by anyone here, nevertheless, as a realist, and as one who has followed for the past 13 years newspaper publications of what happens here. I have found these publications occur every time practically there is held an executive session of any consequence at all.

I am not going to vote to punish one news association, either for the benefit of other newspaper associations or because that one newspaper association may have published the facts of an executive session, when every newspaper association does exactly the same thing. I am in exactly the mood that the Senator from Wisconsin is. If the question arises upon this floor, I insist that there be equality of treatment to every newspaper association, the United Press with all the others.

Mr. McKELLAR and Mr. HOWELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield; and if so, to whom?

Mr. JOHNSON. I yield the floor.

Mr. McKELLAR. Mr. President, in view of the position which the Senator from California has announced, does not the Senator agree with me that there is but one way to treat all newspapers fairly, and that is to have executive sessions open to the public at all times?

Mr. JOHNSON. I have always voted for open executive sessions, so far as that goes,

Mr. LA FOLLETTE subsequently said: Mr. President, I make the point of order that Mr. Fraser Edwards, representing the Universal Service, is on the floor of the Senate without authority of the rules of the Senate; I request the Chair to enforce the rule and instruct the Sergeant at Arms to escort him from the Chamber.

The VICE PRESIDENT. The Chair calls attention to the rule in reference to admission to the floor and requests the Sergeant at Arms to exclude from the floor all persons who are not entitled to it under Rule XXXIII.

Mr. LA FOLLETTE. Mr. President, where is the Sergeant at Arms?

Mr. MOSES. What is the Presiding Officer's ruling?

The VICE PRESIDENT. The ruling of the Chair is that the only persons entitled to the floor are those specifically named in Rule XXXIII. The Chair holds that no other person at this time, without further hearing, is entitled to the floor, and that the clerks or secretaries to Senators are entitled to the floor only when they are here on business with the Senators. If this rule is enforced, it is the purpose of the Chair to enforce it against all persons who are not entitled to the floor.

Mr. EDGE. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. EDGE. As I followed the Vice President, he referred to Rule XXXIII and indicated that under the interpretation of that rule certain representatives of the press associations were admitted to the floor.

The VICE PRESIDENT. No; the Senator is mistaken.

Mr. EDGE. Is it possible for us to be informed who those representatives are?

Mr. LA FOLLETTE. The rule does not provide for the admission to the floor of representatives of any press association.

Mr. EDGE. I know perfectly well the rule does not provide for it, but I thought under an interpretation of the rule by the Rules Committee certain members of the press associations have been accorded admittance.

The VICE PRESIDENT. The Chair has made no such ruling. The Chair rules that only those persons mentioned in Rule XXXIII are entitled to the floor:

No person shall be admitted to the floor of the Senate while in session, except as follows:

Then the rule goes on and names the different persons, down to Rule XXXIV.

Mr. EDGE. Continuing my parliamentary inquiry, if I understand the decision of the Vice President, the Rules Committee, or the chairman representing the Rules Committee, does not have power, under the ruling of the Chair, to permit representatives of the press associations to have the privilege of the floor.

The VICE PRESIDENT. The Chair thinks the admission of members of the press to the floor has grown up as a matter of courtesy. The Chair finds nothing in the rules, upon the short examination he has made of them, that authorizes the Committee on Rules to admit any member of the press to the floor of the Senate.

Mr. EDGE. I simply wanted the opinion of the Vice President.

Mr. MOSES. Mr. President, I wish to call the attention of the Vice President to Rule XXXIV, paragraph 2, under which he, as chairman of the Committee on Rules, and other chairmen of the Committee on Rules have acted with reference to the admission of representatives of the press associations.

The VICE PRESIDENT. The Chair, at the time this question was up, followed the practice. He found no rule that authorized it, or at least no rule that satisfied him that it authorized the practice; but he was informed at that time that the Rules Committee at some meeting had authorized the chairman of the Committee on Rules to issue letters of admission to certain members of the press, not to exceed two, as the Chair recalls, representing each of the press associations, and only one at a time; and the present Vice President, then chairman of the Committee on Rules, followed that practice.

Mr. MOSES. That has been the unbroken practice.

Mr. LA FOLLETTE. Mr. President, I should like to read paragraph 2 of Rule XXXIV; and I challenge the Senator from New Hampshire or any other Senator to find in the phraseology of this paragraph of that rule any authority for extending the privileges of the floor to any one not named in the rules of the Senate:

It shall be the duty of the Committee on Rules to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant and Senate Office Building, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. They shall, at the opening of each session of Congress, make such regulations respecting the reporters' gallery of the Senate as will confine its occupation to bona fide reporters for daily newspapers, assigning not to exceed one seat to each paper.

There being a specific rule governing the privileges of the floor, it certainly can not, by any strained construction, be held that the phraseology contained in paragraph 2 of Rule XXXIV amends Rule XXXIII regarding privileges of the floor.

The VICE PRESIDENT. The Chair might state that the present occupant of the chair construes Rule XXXIV to apply only to the galleries and not to the floor.

#### PARIS CONFERENCE—DEBTS DUE THE UNITED STATES

Mr. HOWELL. Mr. President, I shall take the liberty at this time to call the attention of the Senate to a conference which has been in progress in Paris since the 6th day of April. It was called for the purpose of delimiting the reparations payments to be made by Germany. At the time we were told that the United States would not be represented, but the reports which have been coming from Paris indicate that there are 14 members of the conference, 2 from Great Britain, 2 from France, 2 from Belgium, 2 from Italy, 2 from Germany, 2 from Japan. It takes 2 more to make the 14, and the additional 2 are supposed and presumed to be unofficial representatives from this country, Mr. J. P. Morgan, international banker, and Owen D. Young, chairman of the General Electric Co. of America.

We were also told at the time that it was probable there would arise at the conference the question of a further cancellation of debts due the United States of America, but we were assured that the United States would not be represented, so that that question could not properly be discussed. It seems, however, Mr. President, that it has been discussed, because we now find that the Secretary of State has been communicated with and the suggestion has been made that the United States agree to a further reduction in the amounts which it has been agreed shall be paid by Germany to the United States.

The importance of this matter is not that the amounts are large, but that the proposed reductions simply constitute an entering wedge for further demands of this character in addition to the partial cancellations of European debts we have already made.

It will be remembered that the amounts we were to receive from Germany were to be paid on two accounts, one growing out of the expenses of the American army of occupation, which was withdrawn from Germany about the first of 1923, and the other under the treaty of Berlin, to take care of the American awards made against Germany by the Mixed Claims Commission. Both of those amounts are relatively small.

About the time the army of occupation withdrew from Germany there was due the United States, on account of the maintenance of its troops, some \$248,000,000.

That was six years ago. It was agreed finally, as a result of the Dawes plan, that the United States should receive on account of this debt \$13,100,000 a year. As a consequence it would take about 22 years from 1923 to make payment in full, at least the calculation works out that way. But, Mr. President, we are not to receive a penny of interest upon the \$248,000,000 which is due the people of the United States. On the other hand, the people of the United States are paying from 4¼ to 4½ per cent interest upon over nine billion dollars of bonds at the present time. Therefore, as the taxpayers of this country must pay interest upon the \$248,000,000, we must take into account the question of interest. When we do this we find that at that time, by accepting such a settlement, we practically canceled 43 per cent of the debt.

In other words, we made that much of a cancellation at that time because we were paying the interest upon that \$248,000,000 every year and were receiving no interest from Germany. Now, it seems that we are to be urged to make a further cancellation of the small sums to be paid on account of the expenses of our army of occupation.

Mr. President, at the time our army left Germany there were arrears on account of the armies of occupation of the various other nations totaling \$587,000,000. All of that has been paid to the other nations except \$63,000,000; yet, of an original debt of \$248,000,000, we still have due us at this time \$207,000,000. In other words, the European nations have been practically paid by Germany, but, having deferred our payments over a period of

something like 22 years, they would say to us now, "Although you have made a cancellation of 43 per cent, please make another contribution." And why? We are going to be told that we ought to do it for Germany—for the sake of Germany.

Mr. President, Germany is looking out for herself. Germany has already announced what she will pay; and we could cut this \$13,100,000 down to nothing and it would not mean anything to Germany, because Germany has practically announced an ultimatum to this commission that the maximum payments by Germany over a period of 37 years shall not exceed an average of about \$488,000,000.

The Government of the United States can forego every dollar that is due her on account of the maintenance of the army of occupation in Germany, and it will not make one dollar's difference to Germany, but it will make a difference so far as the other powers are concerned. In other words, if the United States gives up all we are to receive, after this 43 per cent cancellation, it will not lessen Germany's burden but will increase the amount to be divided among the other powers who have largely collected their expenses for their armies of occupation. This should be kept clearly in mind.

There is only one other payment which can be affected and which we can be asked to reduce, so far as Germany is concerned, and that is in connection with the \$10,700,000 which Germany has agreed to contribute annually to wipe out her liabilities to American claimants so far as the judgments of the Mixed Claims Commission are concerned. As those claims amount to about \$260,000,000, the \$10,700,000 will not pay them off with interest before the lapse of 80 years; and yet out of this \$488,000,000 it is proposed that we shall not have even this \$10,700,000—that we must reduce this amount!

Mr. President, we at times have seemingly ceased to think of the taxpayers of this country—the taxpayers who must foot the bill. Of course, this \$10,700,000 a year is comparatively a small matter. This \$13,100,000 a year on account of the expenses of the army of occupation is comparatively a small matter also; but, Mr. President, in my opinion this rumored move by the commission, or certain members of the commission, is for the purpose of testing the administration and the Congress as to their temper respecting further requests for cancellation.

Mr. President, we have done all we ought to do for the European nations. What we have done has no counterpart in history; and, unfortunately, the people of this country do not know, or at least do not fully realize, what we have done.

Mr. President, so far as the British debt is concerned, Great Britain owed us \$4,715,000,000 on the day of settlement. Are we to get back a dollar of that principal? Not one dollar. We have been paying from 4¼ to 4½ per cent upon \$9,000,000,000 of the \$17,000,000,000 of our securities now outstanding. Take into account all the securities we have issued, including those free of taxation of every character, and you will find that, so far as the average interest rate is concerned, it is approximately 4 per cent right now; and yet how did we settle the British debt? Great Britain is to pay us enough to equal 3.7 per cent annually upon that \$4,715,000,000 for 62 years, and then the \$4,715,000,000 is to be canceled. We never are to receive another cent. Mark you, we do not even receive the interest we are now paying upon the bonds that were issued to advance this money to Great Britain.

Mr. President, in the case of Belgium, she owed us at the time of the settlement \$483,000,000; and how did we settle with Belgium? We told Belgium, "If you will pay us 2.1 per cent annually for 62 years on this \$483,000,000, at the end of 62 years you may cease payments and we will forget the principal."

And what did we do with Italy? Italy owed us \$2,150,000,000, and we settled with Italy upon this basis: "Pay 1.1 per cent interest annually on \$2,150,000,000 and then your debt shall be canceled"; and we are paying 4¼ per cent for that money right now!

And still they call us Shylocks. There never before was such generosity exhibited in the world as between nations, and although we have done that for Europe, yet, because of the participation of two unofficial representatives from the United States—Mr. Morgan, an international banker, and Mr. Owen D. Young, closely connected with international bankers—because they are taking part in this conference, our Secretary of State is being communicated with and urged to have presented to Congress a request that we reduce the small amounts it has been agreed we shall receive from Germany for Army expenses and approved American claims.

Mr. President, there is one proposed debt settlement that has not been ratified; I speak of the French debt. France, on the 15th day of June, 1926, owed this country, on the face of her obligations, \$4,400,000,000. Do Senators know what France

has paid on this indebtedness during the last three years? The total has been less than \$83,000,000. Yet during the same period, on the amount, \$4,400,000,000, which France owed us, June 15, 1926, the American taxpayer has been called upon to pay in interest \$561,000,000. France has paid \$83,000,000; the taxpayers of this country have had to make up the difference, \$478,000,000, during that period alone. Yet we are to be asked to make further sacrifices.

We can not reduce Germany's promised payments much, certainly. If we did, what would they amount to? Practically nothing. It is not the money that is wanted. They want to establish a precedent. Come back to Congress and get Congress to concede a small reduction in this case. Then we will be met with further demands. Let me call attention to what the Chancellor of the Exchequer of the late Labor cabinet of Great Britain said during a speech in the present campaign. He derided the settlement with the United States, and intimated that if Labor were returned the whole matter might be reopened.

Mr. President, while Great Britain is paying us 3.7 per cent interest upon the face of her debt, and in 62 years the whole debt is to be canceled, the bonds of Great Britain which were floated in this country by J. P. Morgan & Co., bearing 5½ per cent interest, are now quoted at about 103. In other words, Great Britain is paying to the clients of J. P. Morgan & Co., on the basis of the present market, more than 5¼ per cent for her money, and she proposes to and will and must return every dollar of the principal; but during the same period the taxpayers of this country, who in making this loan were and are now represented by the United States Treasury, are receiving only 3.7 per cent interest on Great Britain's debt, and then, at the end of 62 years, the debt is to be canceled. A marked difference in efficiency.

I doubt if there ever was before in the history of the world any such international generosity as this Government has evinced in its treatment of the nations of Europe. Yet it seems we are to be asked for further cancellations. We ought to stand in our tracks and say, "Not one dollar. We have reached our limit."

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. SWANSON. Has the Senator any figures to show what would have been the aggregate loss on the \$250,000,000 of the cost of our army of occupation if we had been paid as France and Great Britain have been paid out of the first funds available from reparations? What would we get in the final settlement with this reduction of 10 per cent which the papers indicate the administration is favoring at this time? What would be the aggregate loss by the time we get the \$250,000,000 which represents the cost of the army of occupation? Has the Senator made an estimate of that?

Mr. HOWELL. I can not answer the question of the able Senator from Virginia in exactly the form in which he asks it.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. HOWELL. In just a moment. I can give the Senator from Virginia data which will make it clear to his mind what the situation is.

At the time of the withdrawal of our troops from Germany there was due France, Great Britain, Belgium, Italy, and Japan \$587,000,000 arrears on account of the expenses of the various armies of occupation. That \$587,000,000 has been paid except \$63,000,000. At the time those countries were owed by Germany \$587,000,000, Germany owed the United States on the same account \$248,000,000, and while Germany has been reducing that debt to the Allies by over half a billion dollars, she has reduced the debt to the United States from \$248,000,000 to \$207,000,000, and it will take about 16 years more of the payments she is now making to wipe out this balance. And remember, we are not receiving one penny of interest upon that \$248,000,000. Therefore, if we determine the present worth of these payments, based upon 4¼ per cent—and we have \$9,000,000,000 of bonds outstanding the rate upon which is 4¼ per cent and better—we will find that we have really canceled \$107,000,000 of this \$248,000,000. And now what is asked? That we shall go further. We must do more. The idea of the United States of America receiving \$13,100,000 a year in payment of an European debt is so absurd that it must be scaled down.

The fact that the United States of America is receiving \$10,700,000 annually to pay a debt of \$260,000,000 due American claimants found entitled thereto by the Mixed Claims Commission is also so absurd that that must be cut down, too, although such payments will take 80 years to satisfy the debt.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. FESS. There is an additional aggravating item there in the fact that our army of occupation was over there at the request of the Germans. We were not willing to remain, and intended to withdraw at once, but the request was made of us that we keep our Army there by the German people.

Mr. HOWELL. Mr. President, I thank the Senator from Ohio for the enlightenment he has afforded, and he has stated a fact. We kept the Army there at their request, and although it was at their request, these other nations largely collected the cost of their armies and left us to hold the sack. But we are not wholly guiltless in the premises. When Uncle Sam gets on the other side he is a timid soul. While the other nations were getting theirs he did not even ask for his. Here on Main Street he is one of the cleverest business men in the world, but on the other side he seems to lose his head. What is a few millions to him? But how delightful it is to be generous with taxpayers' money.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. SWANSON. As I understand, our Army went to Germany at the request of Germany and the Allies, and it remained there at their request. I understand that the treaty of Versailles provided that the first payments of all received from reparations should go toward settling the expense of the armies of occupation in Germany; that was to be a first lien on all the funds obtained from Germany, which agreement has been violated from the beginning, has it not, so far as we were concerned but not as to the Allies?

Mr. HOWELL. That is correct, Mr. President. I shall now call the attention of the Senate to some further settlements we have made with Europe.

In the cases of 11 countries, whose debts to us at the dates of settlement aggregated \$7,739,000,000, we are to receive, as an average, 2.9 per cent interest annually upon the face of the debts for 62 years, and then the \$7,739,000,000 is to be canceled. These settlements are almost beyond belief.

As I have said before, it seems to me that there is just one thing for Congress to do if asked to make further concessions, and that is to say to Europe, "Our generosity is exhausted. We have gone as far as we can. We will not reopen these debt settlements. We are through. You have our final decision."

If we do that now, Mr. President, we will, in my opinion, hear no more of suggested further cancellations. If we do that now, I believe France will ratify before next August. Now is the time for the Congress and the Government of the United States to present to Europe their ultimatum in this matter in no uncertain terms.

#### FLOOD CONTROL

Mr. HAWES. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD a communication from the American Engineering Council in relation to the matter of flood control.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

AMERICAN ENGINEERING COUNCIL,  
Washington, D. C., May 22, 1929.

HON. HARRY B. HAWES,

United States Senate, Washington, D. C.

MY DEAR SENATOR HAWES: American Engineering Council is an organization composed of 26 national, State, and local engineering and allied technical organizations. These societies have within their membership 57,673 of the leading professional engineers of the United States. Council is an agency through which the engineering profession endeavors to give expression to engineering thought in regard to national questions of an engineering character.

When such serious and important questions arise as Mississippi River flood control the council appoints a special committee composed of men highly qualified to deal with the subject matter involved. In conformity to this practice the council, in 1927, appointed a flood-control committee composed of four eminent engineers thoroughly conversant with such problems. There is attached hereto a list of the members of this committee and a short biographical sketch of each.

This committee gave careful consideration to the Mississippi flood-control problem and drafted a report under date of January 19, 1928, which report was subsequently approved by the administrative board of the council. Owing to developments since the formulation of this report, the committee recently held another meeting and drafted another report under date of May 20, 1929. This report also has the official sanction of the council.

These two reports fairly represent the considered opinion of the professional civilian engineers of the Nation. You will observe by reading these reports that among the professional civilian engineers there is a very marked and general lack of confidence in the so-called Jadwin plan. It is believed that a sufficiently comprehensive and intelligent plan has not been developed and that therefore, before the Federal Government irrevocably commits itself, more adequate studies should be made.

We felt confident that because of your great concern in the proper solution of the Mississippi flood problem you would be interested in obtaining the point of view of civilian engineers, as expressed in the two documents we are sending you herewith. We shall appreciate such comments as you may care to make.

Sincerely yours,

L. W. WALLACE, *Executive Secretary.*

REPORT OF AMERICAN ENGINEERING COUNCIL'S COMMITTEE ON FLOOD CONTROL, MAY 20, 1929

To the ADMINISTRATIVE BOARD OF AMERICAN ENGINEERING COUNCIL.

GENTLEMEN: Your committee appointed to consider the problems arising from the Mississippi River floods submitted a report under date of January 19, 1928, which was transmitted to the Committee on Flood Control of the House of Representatives under date of February 2, 1928. A copy of that report is hereto attached.

Your committee now reiterates that sufficient study of the engineering and economic phases of flood control on the Mississippi River has not been made to justify the Federal Government in adopting any plan therefor. Consequently it would be a grave mistake to permit the letting of contracts for the construction of the Missouri flood way or any other controversial elements until the engineering practicability and economical feasibility are adequately studied by a nonpartisan and competent board of engineers.

Your committee believes that the intent of Congress and the best interest of the Nation were defeated by the constitution and action of the board created to adjust the engineering differences of the Jadwin and Mississippi River Commission plans, and also because the board was restricted by the terms of the flood control act of May 15, 1928, from considering any other than the two plans submitted, both of which plans were hastily prepared and based upon inadequate data. As a consequence there is in the engineering profession a marked and general lack of confidence in the plan adopted. Therefore, your committee urgently recommends the creation by the Federal Government of a board of review composed of nonpartisan and competent civilian engineers with authority to develop the best possible solution of the Mississippi flood-control problem.

And your committee further recommends that the said board of review should, as soon as practicable, designate those features of construction which would be common to any acceptable plans, whereupon work should proceed upon them; and that, pending such designation, work should be restricted to the repair, straightening, and raising of existing structures and the construction of the Bonnet Carre spillway.

Officially approved by American Engineering Council.

BAXTER L. BROWN.

JOHN R. FREEMAN.

ARTHUR E. MORGAN.

GARDNER S. WILLIAMS, *Chairman.*

SHORT BIOGRAPHIC SKETCH OF MEMBERS OF FLOOD CONTROL COMMITTEE OF AMERICAN ENGINEERING COUNCIL

GARDNER S. WILLIAMS

Chairman of committee.

Civil engineer, Ann Arbor, Mich.

Education, B. S. in C. E. 1889, C. E. 1899, University of Michigan.

Professional: 1893-1898, civil engineer, board of water commissioners of Detroit; 1898-1904, professor of experimental hydraulics, Cornell University; 1904-1911, professor of civil, hydraulic, and sanitary engineering, University of Michigan; 1900 to present, consulting engineer with hydraulics, water supply, and water power as specialties; 1903-1905, member International Waterways Commission; 1917-1919, major of Engineers, Officers' Reserve Corps; 1918, in active service with construction department.

Joint author with Allen Hazen, *Hydraulic Tables*.

Author of part on Hydraulics of *American Civil Engineers' Pocket Book*.

Member American Society of Civil Engineers, American Institute of Consulting Engineers, American Society of Mechanical Engineers, Western Society of Engineers, Detroit Engineering Society, American Water Works Association, New England Water Works Association, American Public Health Association, vice president of American Engineering Council.

BAXTER L. BROWN

Consulting engineer, St. Louis, Mo.

Education, public schools of Brooklyn.

Professional: 1898-99, locating engineer and principal assistant engineer, St. Louis, Peoria Northern Railway; 1900, assistant engineer, St. Louis, Iron Mountain & Southern and assistant chief engineer Missouri Pacific; 1901-1904, chief engineer St. Louis Valley Railroad; since 1905 in general consulting practice; consulting engineer city planning commission of St. Louis; chief engineer St. Louis, Troy & Eastern Railroad; St. Louis, Columbia & Waterloo Railroad; St. Louis Material & Supply Co.

While in service of Missouri Pacific and as chief engineer of the Valley Railroad, both of which have much track along the Mississippi River, he had much experience with floods. He has built various docks along the Mississippi and other rivers.

Mr. Brown is a member of the St. Louis Chamber of Commerce (past vice president); American Society of Civil Engineers (past director); American Institute of Consulting Engineers; Engineers' Club of St. Louis (past president); City Club; and St. Louis Railway Club.

JOHN R. FREEMAN

Consulting engineer, Providence, R. I.

Education: Graduated M. I. T., 1876; Sc. D., Brown University, 1901; Sc. D., Tufts College, 1905.

Professional: 1878-1886, assistant engineer to Water Power Co., Lawrence, Mass., and to Hiram P. Mills, consulting engineer; 1886 to present, has specialized in hydraulic engineering; for 10 years chief engineer of Associated Factory Mutual Fire Insurance Co.; also advisory engineer to many manufacturing corporations on mill construction, water power, and fire protection; also in consulting capacity to cities on water-supply service and extensions and drainage problems; 1895-96, engineer member Massachusetts Metropolitan Water Board; 1899-1900, made water-supply investigation for finance department of city of New York; 1903-4, consulting engineer Boston Metropolitan Park Commission; 1903, chief engineer in investigation of Charles River Dam in Boston Harbor; 1904, member Rhode Island Metropolitan Park Commission; 1905 to date, member special commission for additional water supply, New York, and consulting engineer for New York Board of Water Supply; 1908-1910, consulting engineer for San Francisco water supply (planned Hetch Hetchy water-supply system now being constructed for that city); consulting engineer on water supply for Baltimore, Md., Nashua, N. H., Los Angeles, Denver, City of Mexico, San Diego, Calif., etc.; 1904-5 and to date, consulting engineer on water-power developments, Feather River, Calif.; 1909-1911, consulting engineer for the Isthmian Canal (dams and locks) and for the Canadian Government on water-power conservation; 1917-18, president Providence (R. I.) Gas Co. until resigned January 1, 1919; 1917-1919, consulting engineer for Chinese Government Grand Canal Improvement Board; 1918-1924, member visiting committee United States Bureau of Standards; 1924, member engineer board of review Chicago Sanitary District on control of lake levels, etc.; president and treasurer Manufacturers' Mutual Fire Insurance Co. and consulting hydraulic engineer; 1922-23, president American Society of Civil Engineers.

Writer of various papers on professional subjects and twice awarded the normal annual medal of American Society of Civil Engineers for the best engineering paper contributed to its transactions during the year.

Member American Society of Civil Engineers (director 1896-1898, vice president 1902-3); American Society of Mechanical Engineers (president 1905); Boston Society of Civil Engineers (president 1893); trustee Massachusetts Institute of Technology.

A. E. MORGAN

President Antioch College; president Dayton Morgan Engineering Co., Dayton, Ohio.

Education: Public schools of St. Cloud, Minn.

Professional: 1902-1907, private consulting engineering practice, St. Cloud, Minn.; 1907-1909, supervising engineer, United States drainage investigations; 1909-1920, president Morgan Engineering Co., Memphis, Tenn.; 1915-1921, chief engineer Miami conservancy district, Dayton; 1921, Pueblo, Colo., conservancy district; 1924-25, member engineering board of review, Chicago Sanitary District.

President and director Dayton Morgan Engineering Co., consulting practice in water control, reclamation of waste lands, and flood control; flood control and other water control projects.

Planned reclamation of 1,000,000 acres of swamp land to northeast Arkansas for United States Government.

Chief engineer cold water district, Mississippi.

Author *Reclamation of Swamp Lands in Northeast Arkansas, Miami Valley in 1913 Flood*.

President Antioch College, Yellow Springs, Ohio.

Member American Society of Civil Engineers, New England Water Works Association, trustee and vice president Moraine Park School, Dayton.

NATIONAL-ORIGINS CLAUSE OF IMMIGRATION ACT

Mr. NYE. Mr. President, I ask unanimous consent to have included in the body of the RECORD, in the proceedings of this

date, two tables, one showing immigration from certain countries during the first 70 years of immigration statistics, 1820 to 1890, and a comparison with the existing national-origins quota, and the second showing the immigration quotas under the

1890 basis now operative and the national-origins basis which will become operative unless repealed.

The VICE PRESIDENT. Without objection, it is so ordered. The tables referred to are as follows:

Table showing immigration from certain countries during first 70 years of immigration statistics, 1820-1890, and comparison with existing and national-origins quotas

	England, Scotland, Wales	Belgium	Italy	Russia	Greece	Germany	Ireland	Denmark	Norway	Sweden
1820-1830	27,480	28	439	89	20	7,729	54,338	189	94	
1831-1840	75,810	22	2,253	277	49	152,454	207,381	1,063	1,201	
1841-1850	267,044	5,074	1,870	551	16	434,626	780,719	539	13,903	
1851-1860	423,974	4,788	9,231	457	31	951,667	914,119	3,749	20,931	
1861-1870	606,896	6,734	11,725	2,512	72	787,468	435,778	17,094	71,631	37,667
1871-1880	548,043	7,221	55,759	39,284	210	718,182	436,871	31,771	95,323	115,922
1881-1890	807,357	20,177	307,309	213,282	2,308	1,452,970	655,482	88,132	176,586	391,776
Total 70 years	2,756,613	43,994	388,586	256,452	2,706	4,505,096	3,484,688	142,537	379,669	545,365
Average per year	39,380	628	5,551	3,663	39	64,359	49,781	2,036	5,424	7,791
Quota on 1890 basis now in effect	34,007	512	3,845	2,248	100	51,227	28,567	2,789	6,453	9,561
Quota on national-origins basis to be effective July 1, unless repealed	65,721	1,304	5,802	2,784	307	25,957	17,853	1,181	2,377	3,314

Table showing immigration quotas under the 1890 basis now operating and the national-origins basis which will become operative unless repealed

	1890 basis now oper- ating	National- origins basis <sup>1</sup> (latest es- timates)
Armenia	124	100
Austria	785	1,413
Belgium	512	1,304
Czechoslovakia	3,073	2,874
Danzig, Free City of	228	100
Denmark	2,789	1,181
Estonia	124	116
Finland	471	569
France	3,954	3,086
Germany	51,227	25,957
Great Britain and North Ireland	34,007	65,721
Australia	121	100
The following countries are British mandates or possessions, and under both the 1890 and national-origins basis of immigration are entitled to 100 each: Arabian Peninsula, British Cameroon, Nauru, New Guinea, Samoa, Southwest Africa, British Togoland, Bhutan, India, New Zealand, Palestine, South Africa, Tanganyika.		
13 countries, at 100 immigrants each	1,300	1,300
Greece	100	307
Hungary	473	869
Irish Free State	28,567	17,853
Italy	3,845	5,802
Latvia	142	236
Lithuania	344	386
Netherlands	1,648	3,153
Norway	6,453	2,377
Poland	5,982	6,524
Portugal	503	440
Rumania	603	295
Russia	2,248	2,784
Spain	131	252
Sweden	9,561	3,314
Switzerland	2,081	1,707
Syria and the Lebanon	100	123
Turkey	100	226
Yugoslavia	671	845
All of the following countries are entitled to a quota of 100 immigrants each under both the 1890 and national-origins basis of immigration: Afghanistan, Andorra, French Cameroon, Egypt, Iceland, Japan, Liechtenstein, Monaco, Morocco, Persia, San Marino, French Togoland, Albania, Bulgaria, China, Ethiopia, Iraq (Mesopotamia), Liberia, Luxemburg, Muscat, Nepal, Ruanda, Siam, Yap.		
24 countries at 100 immigrants each	2,400	2,400
	164,667	153,714

<sup>1</sup> According to latest official estimates.

#### FARM RELIEF—SPEECH OF SENATOR BROOKHART

Mr. HOWELL. Mr. President, I ask unanimous consent to have printed in the RECORD a speech made over the radio by the junior Senator from Iowa [Mr. BROOKHART] on the matter of farm relief.

The VICE PRESIDENT. Without objection, it is so ordered. Senator BROOKHART spoke as follows:

The farm problem is the greatest economic problem of our time, and yet some people, mainly in Wall Street, say there is no farm problem. However, here are the facts:

About one-third of the American people are farmers. These farmers now own less than one-fifth of the property value of the country, and they are getting less than one-tenth of the national income.

Since the deflation of agriculture in 1920, there are about sixty billions of capital investment and about 12,000,000 workers, not

counting women and children. This capital and these workers produce a gross value of about \$12,000,000,000.

There are about forty billions of capital in manufacturing, or only two-thirds as much as in agriculture, and there are fewer than 9,000,000 workers, or fewer than three-fourths as many as in agriculture, but after deducting \$16,000,000,000 for difference in raw-material costs, this smaller amount of capital in manufacturing, and smaller number of workers, produced a gross value of forty-four billions as against twelve billions for agriculture. Since labor got only eleven billions in wages in manufacturing, it is only fair to say that high wages were not the cause of this discrimination.

Valued by the same rule as the farms, the railroads are less than one-third of agriculture and the number of workers about one-seventh, but they produce a gross revenue of more than half as much as the farms, and again labor gets only about one-half.

Iowa lands went down over two and a half billion dollars, and railroad stocks went up more than that amount at the same time. Iowa is only typical of all the States, and railroad stocks are only typical of the big stocks in general.

Recently brokers' loans have passed the six and a third billion dollar mark, or nearly one-third of the bank deposits of the Federal reserve bank members. Since 1920 these loans have scarcely been below \$3,000,000,000. Until the last year this vast reserve of surplus credit was accumulated at the rate of about 4 per cent, while the farmers of the country were compelled to pay 6 to 12 per cent. Recently the demands of this speculative bubble have become so great that it has raised the rate as high as 20 per cent for call money, and it has further increased farm rates even in the Federal land bank.

A National City Bank bulletin shows that in 1925 the national banks of the country earned 8.34 per cent upon capital, surplus, and undivided profits. The National Industrial Conference Board shows that from 1920 to 1925 agriculture earned only 1.7 per cent upon its capital investment without adequate allowance for labor or depreciation.

In 1926 the farmers of the United States sold 41,000,000 hogs. In 1928 they sold 48,000,000. They got \$200,000,000 less for the 48,000,000 hogs than they got two years previously for the 41,000,000. This in spite of the fact that the foreign demand was increasing; that the number of hogs in Denmark had been decreased 10 per cent, in the United Kingdom 5 per cent, in Germany 2 per cent, and in the Netherlands 20 per cent. For a whole generation farmers have received less total money for a big crop than for a little one.

The public utilities as a whole are earning more than 7 per cent, and the courts are allowing them that rate or higher, while agriculture gets only 1.7 per cent, and that upon an unfair bookkeeping.

Massachusetts has 3.69 per cent of the population, produces 3.92 per cent of the national wealth, but gets 5 per cent of the national income. New York has 9.83 per cent of the population, produces 9.81 per cent of the wealth, but gets 14.79 per cent of the national income. Iowa has 2.27 per cent of the population, produces 3.48 per cent of the wealth, and gets only 1.99 per cent of the national income. Again Iowa is only typical of the agricultural States, and Massachusetts and New York are only typical of the industrial States.

According to the Manufacturers Record, the deflation policy of the Federal reserve bank reduced agricultural values by \$32,000,000,000, and other business by only eighteen billions. This means that agriculture was deflated six times as much in proportion as other business.

Since 1920 farm lands have declined nearly \$20,000,000,000, while in industrial centers real estate has advanced more than that amount.

The farmers of the United States receive about \$9,000,000,000 for what they sell; but the consumers pay over \$30,000,000,000 for it.

Since 1910 farm bankruptcies have increased by more than 1,000 per cent, while commercial bankruptcies remain about the same.

The direct causes of this gigantic discrimination are found mainly in laws of the Congress. Upon the figures of Mr. Hoover as Secretary of Commerce, since 1912 the American people with all their capital, all their labor, all increase in property values, and all depreciation of the dollar, have only produced about 5½ per cent a year of new wealth. If capital got all the wealth production of the country and it were evenly divided, it would get only a return of 5½ per cent. Capital, however, is not entitled to all. It is therefore self-evident that when any block of capital is permitted to dip out more than 5½ per cent from this American pool, some other block must take less, or even nothing, to maintain the level.

Notwithstanding this indisputable fact, we passed a railroad law that gave them a subsidy in value of over \$7,000,000,000 above their market value as farms are valued, and gave them a return, first 6 per cent and now 5½ per cent, upon all this value—water and all. This dips an excess of some \$400,000,000 from the American pool of production. The other items of excess profits of subsidiary corporations, waste of competition, and capitalization of unearned increment take out about eight hundred or nine hundred million dollars more each year. And in addition to all of this, the law guaranteed their war-time profits for six months after they were turned back into private ownership, and paid them a further subsidy of \$529,000,000 from the Treasury of the United States.

If the farmers could get a law that would fix their values and their rates of return, with a Treasury guaranty like that, they would get what the Republican platform promised. The farm bill without the debenture gives them no such equality of opportunity, and with the debenture only about half of it.

Again by law of Congress, assisted by State laws, we have created a banking system with a virtual monopoly upon the deposit business of the country. Congress also established the Federal reserve system which deflated the farmers as we have seen, collected the surplus credit of the country in New York for speculation, boosted the interest rate even to 20 per cent, and fastened upon the farmers a bank rate of from 6 to 12 per cent, while American production is only 5½ per cent. We have already noted the excess which the big banks have dipped from this pool in spite of the failure of several thousand country banks. Again the farm bill without the debenture offers no such equality to agriculture and with it much less than half.

Congress has enacted tariff laws which enable the protected manufacturer to fix the price of his product at the factory without foreign competition, and patent laws that enable him to fix his prices without any competition, either foreign or domestic. On the other hand, the farmer produces a little surplus, only about 10 per cent on an average, which is sold in a world market in competition with all the world, and the price fixed by that sale. This price is cabled back to the United States and fixes his domestic price also. He is forced to buy what he needs in the high level of the American market and to sell his own product in the low levels of the world market. Economists have said these tariff laws add \$4,000,000,000 to the price level of American manufactures, and I do not doubt the patent laws greatly increase this amount. In spite of this, we find industry and its representatives opposing a debenture that will only halfway equalize agriculture with its own advantages.

Lastly, I will mention the fact that Congress permits corporations organized under State laws to come into interstate and foreign commerce. They acquire the greatest of the natural resources, and are permitted to charge profits without limit.

As against all these discriminations the Republican platform summed up its promises to the farmers in these words:

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success."

Upon this pledge the Republican Party won the agricultural States in the election. Congress was then called in extraordinary session to keep this pledge. When the party bill appeared it substantially provided for nothing but loans to cooperatives. We had that before in the War Finance Corporation, with unlimited funds, and it failed. We have it now and all the time since 1923 in the intermediate-credit bank with provision for six hundred and sixty millions and it has utterly failed.

When this new bill appeared, with a farm board limited in authority to the failures of the past, some of us who had fought for the platform in good faith regarded it as a gross repudiation of the party pledge. We wanted a board with authority to determine the cost of producing farm products, as is done in every industry. We wanted it to have sufficient funds and authority to bid this cost of production price to the farmers themselves for their \$2,000,000,000 a year exportable surplus. We knew this bid would raise the price to that American level. We also wanted authority to hold this surplus and dispose of it to the best advantage. We believed there would be little or no loss, and perhaps even a profit, as Mr. Hoover had in the wheat corporation. But, if there was a loss, we wanted the Government to treat the farmers as

well as it did the railroads, the banks, and the shipping interests. And we had precedent for all this. Mr. Hoover had done it all in the wheat corporation and the food administration during and after the war, and it had succeeded and given the farmers the best prosperity in all their history. We had recited this record with enthusiasm in the campaign, and we resented its repudiation in the farm bill.

It was this situation that forced us to the debenture plan. The Agricultural Committee of the Senate submitted it to the President. He referred them to the experts of the Agricultural Department. They said it would work, and the committee then put it in the bill by unanimous vote.

It is a simple plan, easy of administration without new governmental machinery. The Treasury issues a certificate of debenture to the exporter of farm surpluses equal to one-half the tariff rate, and on cotton, which has no tariff, 2 cents per pound. The Treasury will receive these debenture certificates the same as cash in the payment of all tariff duties. The effect will be to raise the price of all farm products that have an exportable surplus. It will not be confined to the surplus alone, but will have an equal effect upon the whole domestic market. The benefit to the farmers will be about 10 times the amount of the debenture. In other words, if the debenture is \$200,000,000 the farmers will receive a benefit of \$2,000,000,000. This is less than half of what they are justly entitled to receive.

In spite of this the interests that now receive \$4,000,000,000 of Government aid through the protective tariff are opposed to this small stipend. However, I am proud to say that the labor leaders have joined the farmers in their demand, and this question will not be settled until agriculture does get equality.

#### EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### RECESS

Mr. WATSON. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Thursday, May 23, 1929, at 12 o'clock meridian.

#### ARBITRATION WITH PORTUGAL

In executive session this day, the following treaty was ratified and, on motion of Mr. REED, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to the ratification thereof, I transmit herewith a treaty of arbitration between the United States and Portugal, signed at Washington on March 1, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, March 2, 1929.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Portugal, signed at Washington on March 1, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, March 2, 1929.

The Government of the United States of America and the Government of the Republic of Portugal

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on April 6, 1908, which expired by limita-

tion on November 14, 1928, and for that purpose they have authorized the undersigned to conclude the following Articles:

## ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Lisbon, February 4, 1914, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Portugal by the President of the Republic of Portugal after its enactment by law or by Decree with force of law.

## ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

- (a) is within the domestic jurisdiction of either of the High Contracting Parties,
- (b) involves the interests of third parties,
- (c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,
- (d) depends upon or involves the observance of the obligations of Portugal in accordance with the Covenant of the League of Nations.

## ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the Republic of Portugal after its enactment by law or by Decree with the force of law.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the undersigned have signed this treaty in duplicate in the English and Portuguese languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the first day of March in the year one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
ALTE [SEAL]

## ARBITRATION WITH ETHIOPIA

In executive session this day, the following treaty was ratified and on motion of Mr. REED, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Ethiopia, signed at Addis Ababa on January 26, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 18, 1929.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Ethiopia, signed at Addis Ababa on January 26, 1929.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,

Washington, April 15, 1929.

## TREATY OF ARBITRATION

The President of the United States of America and His Majesty, King Tafari, Heir Apparent to the Throne and Regent

Plenipotentiary of the Empire of Ethiopia, on behalf of Her Imperial Majesty, Zeoditu, Empress of Ethiopia, and of himself,

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have designated as their respective Plenipotentiaries:

The President of the United States of America; Mr. Addison E. Southard, Minister Resident and Consul General of the United States of America in Ethiopia;

His Majesty, King Tafari, Heir Apparent to the Throne and Regent Plenipotentiary of the Empire of Ethiopia, on behalf of Her Imperial Majesty, Zeoditu, Empress of Ethiopia, and of himself;

Who, having communicated to one another their full powers found to be in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide, if necessary, for the organization of such tribunal, shall define its powers, shall state the question or questions at issue, and shall settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Ethiopia in accordance with its constitutional law.

## ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

- (a) is within the domestic jurisdiction of either of the High Contracting Parties,
- (b) involves the interests of third Parties.
- (c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,
- (d) depends upon or involves the observance of the obligations of Ethiopia in accordance with the Covenant of the League of Nations.

## ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty, King Tafari, Heir Apparent to the Throne and Regent Plenipotentiary of the Empire of Ethiopia, on behalf of Her Imperial Majesty, Zeoditu, Empress of Ethiopia, and of himself, in accordance with Ethiopian constitutional law.

The ratifications shall be exchanged at Addis Ababa as soon as possible, and the treaty shall take effect on the date of the exchange of ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Amharic languages, and hereunto affix their seals.

Done in duplicate at Addis Ababa on the twenty-sixth day of January, in the year of our Lord nineteen hundred and twenty-nine.

[SEAL]

ADDISON E. SOUTHARD

## CONCILIATION WITH ETHIOPIA

In executive session this day, the following treaty was ratified and, on motion of Mr. REED, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Ethiopia, signed at Addis Ababa on January 26, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 18, 1929.

*The President:*

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Ethiopia, signed at Addis Ababa on January 26, 1929.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,

Washington, April 15, 1929.

## TREATY OF CONCILIATION

The President of the United States of America and His Majesty, King Tafari, Heir Apparent to the Throne and Regent Plenipotentiary of the Empire of Ethiopia, on behalf of Her Imperial Majesty, Zeoditu, Empress of Ethiopia, and of himself, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose.

The President of the United States of America has appointed as his plenipotentiary Mr. Addison E. Southard, Minister Resident and Consul General of the United States of America in Ethiopia.

His Majesty, King Tafari, Heir Apparent to the Throne and Regent Plenipotentiary of the Empire of Ethiopia, has been designated plenipotentiary to sign and ratify on behalf of Her Imperial Majesty, Zeoditu, Empress of Ethiopia, and of himself.

They, having communicated to one another their full powers, found to be in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Ethiopia of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a Permanent International Commission constituted in the manner prescribed in the next succeeding Article; the High Contracting Parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall shorten or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Gov-

ernment, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

## ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty, King Tafari, Heir Apparent to the Throne and Regent Plenipotentiary of the Empire of Ethiopia, on behalf of Her Imperial Majesty, Zeoditu, Empress of Ethiopia, and of himself, in accordance with Ethiopian constitutional law.

The ratifications shall be exchanged at Addis Ababa as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Amharic languages, and hereunto affix their seals.

Done in duplicate at Addis Ababa on the twenty-sixth day of January, in the year of our Lord nineteen hundred and twenty-nine.

[SEAL]

ADDISON E. SOUTHARD

## ARBITRATION WITH RUMANIA

In executive session this day, the following treaty was ratified and, on motion of Mr. REED, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Rumania, signed at Washington on March 21, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 18, 1929.

*The President:*

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Rumania, signed at Washington on March 21, 1929.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,

Washington, April 15, 1929.

## TREATY OF ARBITRATION

The President of the United States of America and His Majesty the King of Rumania

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Rumania:

Mr. Georges Cretziano, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

## ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the appli-

cation of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Rumania in accordance with its constitutional laws.

## ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States of America concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Rumania in accordance with the Covenant of the League of Nations.

## ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Rumania in accordance with the Constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of March, one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG. [SEAL]  
G. CRETZIANO [SEAL]

## CONCILIATION WITH RUMANIA

In executive session this day the following treaty was ratified and, on motion of Mr. REED, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Rumania, signed at Washington on March 21, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 18, 1929.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Rumania, signed at Washington on March 21, 1929.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,

Washington, April 15, 1929.

The President of the United States of America and His Majesty the King of Rumania

Being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Rumania:

Mr. Georges Cretziano, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

## ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Rumania, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission, may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

## ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Rumania in accordance with the provisions of the Rumanian Constitution.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of March, one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
G. CRETZIANO [SEAL]

## ARBITRATION WITH BELGIUM

In executive session this day, the following treaty was ratified and, on motion of Mr. REED, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Belgium, signed at Washington on March 20, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 18, 1929.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification,

if his judgment approve thereof, a treaty of arbitration between the United States and Belgium, signed at Washington on March 20, 1929.

Respectfully submitted,

HENRY L. STIMSON.

DEPARTMENT OF STATE,  
Washington, April 15, 1929.

#### TREATY OF ARBITRATION

The President of the United States of America and His Majesty the King of the Belgians

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the World;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America:

Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Belgians:

His Highness Prince Albert de Ligne, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Belgium in accordance with the constitutional laws of Belgium.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Belgium in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of the Belgians in accordance with the Constitution.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 20th day of March, one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
P. ALBERT DE LIGNE [SEAL]

#### CONCILIATION WITH BELGIUM

In executive session this day, the following treaty was ratified and, on motion of Mr. REED, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Belgium, signed at Washington on March 20, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 18, 1929.

The President:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Belgium, signed at Washington on March 20, 1929.

Respectfully submitted,

HENRY L. STIMSON.

DEPARTMENT OF STATE,  
Washington, April 15, 1929.

#### TREATY OF CONCILIATION

The President of the United States of America and His Majesty the King of the Belgians, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Belgians:

His Highness Prince Albert de Ligne, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Belgium, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to resort with respect to each other to any act of force during the investigation to be made by the Commission and before its report is handed in.

#### ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: Each Government shall appoint a member from among its nationals; the other three members, including the President, shall be appointed in common accord, it being understood that they shall not be under the jurisdiction of either one of the two countries. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

#### ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

## ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Belgium in accordance with the Constitution.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 20th day of March, one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
P ALBERT DE LIGNE [SEAL]

## ARBITRATION WITH LUXEMBURG

In executive session this day, the following treaty was ratified and on motion of Mr. REED, the injunction of secrecy was removed therefrom:

*To the Senate:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of arbitration between the United States and Luxembourg, signed at Luxembourg, April 6, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 25, 1929.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Luxembourg, signed at Luxembourg, April 6, 1929.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,  
Washington, April 24, 1929.

## TREATY OF ARBITRATION

The President of the United States of America and Her Royal Highness the Grand Duchess of Luxembourg, Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries, The President of the United States of America, Mr. Edward Lyndal Reed, Chargé d'Affaires a. i. of the United States of America, Her Royal Highness the Grand Duchess of Luxembourg Mr. Joseph Bech, Minister of State and President of Government,

Who, having communicated to one another their full powers found to be in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy,

which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at the Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide, if necessary, for the organization of such tribunal, shall define its powers, shall state the question or questions at issue, and shall settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Luxembourg in accordance with its constitutional law.

## ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

- a) is within the domestic jurisdiction of either of the High Contracting Parties,
- b) involves the interests of third Parties,
- c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,
- d) depends upon or involves Luxembourg's policy of neutrality,
- e) depends upon or involves the observance of the obligations of Luxembourg in accordance with the Covenant of the League of Nations.

## ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Her Royal Highness the Grand Duchess of Luxembourg in accordance with the constitutional law of Luxembourg.

The ratifications shall be exchanged at Luxembourg as soon as possible, and the treaty shall take effect on the date of the exchange of ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affix their seals.

Done at Luxembourg, in duplicate, this sixth day of April one thousand nine hundred and twenty-nine.

[SEAL] EDWARD LYNDAL REED  
[SEAL] BECH

## CONCILIATION WITH LUXEMBURG

In executive session this day the following treaty was ratified and, on motion of Mr. REED, the injunction of secrecy was removed therefrom:

*To the Senate:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of conciliation between the United States and Luxembourg, signed at Luxembourg, April 6, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 25.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Luxembourg, signed at Luxembourg April 6, 1929.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,  
Washington, April 24, 1929.

## TREATY OF CONCILIATION

The President of the United States of America and Her Royal Highness the Grand Duchess of Luxembourg, Being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, Have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries, The President of the United States of America, Mr. Edward Lyndal Reed, Chargé d'affaires a. i. of the United States of America, Her Royal Highness the Grand Duchess of Luxembourg, Mr. Joseph Bech, Minister of State and President of Government,

Who, having communicated to one another their full powers, found to be in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Luxemburg of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding article; the High Contracting Parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the commission and before its report is handed in.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall shorten or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

## ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Her Royal Highness the Grand Duchess of Luxemburg in accordance with the constitutional law of Luxemburg.

The ratifications shall be exchanged at Luxemburg as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affix their seals.

Done at Luxemburg, in duplicate, this sixth day of April, one thousand nine hundred and twenty-nine.

[SEAL]  
[SEAL]

EDWARD LYNDAL REED  
BECH

## NOMINATIONS

*Executive nominations received by the Senate May 22 (legislative day of May 16), 1929*

## GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS

Dwight F. Davis, of Missouri, to be Governor General of the Philippine Islands, vice Henry L. Stimson, appointed Secretary of State.

## MEMBER OF THE UNITED STATES SHIPPING BOARD

Roland K. Smith, of Louisiana, to be a member of the United States Shipping Board for a term of six years from June 9, 1929. (Reappointment.)

## SECRETARIES IN THE DIPLOMATIC SERVICE

William P. George, of Alabama, now a Foreign Service officer of class 7 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

The following named Foreign Service officers, unclassified, and vice consuls of career, to be also secretaries in the Diplomatic Service of the United States of America:

Eugene M. Hinkle, of New York.

Stanley Woodward, of Pennsylvania.

## PROMOTIONS IN THE NAVY

## MARINE CORPS

Corpl. Alva B. Lasswell to be a second lieutenant in the Marine Corps for a probationary period of two years from the 30th day of January, 1929.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate May 22 (legislative day of May 16), 1929*

## UNITED STATES ATTORNEYS

Howard W. Ameli, eastern district of New York.

Peter B. Garberg, district of North Dakota.

Ralph L. Carr, district of Colorado.

## PROMOTIONS IN THE NAVY

## To be ensigns

Frank M. Adamson.  
Harvey D. Akin.  
William C. Allen.  
Samuel C. Anderson.  
John Andrews, jr.  
Carl R. Armbrust.  
William S. Arthur.  
George W. Ashford.  
Edward J. Bacher.  
Abraham L. Baird.  
Laurence C. Baldauf.  
Richard R. Ballinger.  
George F. Beardsley.  
Roy S. Benson.  
John M. Bermingham.  
Howard C. Bernet.  
Joseph Berzowski.  
Awtrey L. Bond.  
Frank A. Brandley.  
Granville C. Briant.  
Jacob W. Britt.  
Robert C. Brownlee, 2d.  
Charles E. Brunton.  
William D. Buckalew.  
Edward J. Burke.  
Edward F. Butler.  
Whitmore S. Butts.  
William M. Canning.  
Joseph P. Canty.  
Daniel Carlson.  
George K. Carmichael.  
Lamar P. Carver.  
William A. Cashman.  
Carl G. Christie.  
Robert N. S. Clark.  
Benjamin Coe.  
Harry N. Coffin.  
John A. Collett.  
Edwin G. Conley.  
Robert J. Connell.  
Charles H. Crichton.  
William I. Darnell.  
Joseph A. d'Avi.  
John F. Davidson.  
Royce P. Davis.  
John W. Davison.  
Thurlow W. Davison.  
George H. Deiter.  
Robert W. Denbo.  
Walter S. Denham.  
Erle V. Dennett.  
Milton C. Dickinson.  
Edwin N. Dodson.  
Francis R. Duborg.  
Leonard V. Duffy.  
Joseph B. Duval, jr.  
Gordon F. Duvall.  
Williston L. Dye.

William T. Easton.  
Donald T. Eller.  
William B. Epps.  
James M. Farrin, jr.  
Charles R. Fenton.  
David T. Ferrier.  
Charles T. Fitzgerald.  
James H. Flatley, jr.  
James L. Foley.  
Paul Foley, jr.  
Edward C. Folger, jr.  
William E. Ford.  
Leonard O. Fox.  
Nickolas J. F. Frank, jr.  
Samuel B. Frankel.  
William J. Galbraith.  
Guy P. Garland.  
Howard R. Garner.  
William S. Gates.  
Carl E. Glese.  
Allan McL. Gray.  
Lloyd K. Greenamyre.  
Finley E. Hall.  
Edward R. Hannon.  
James T. Hardin.  
Russell A. Hart.  
Robert A. Heinlein.  
James McB. Hezlep.  
Herbert J. Hiemenz.  
Arthur S. Hill.  
Maurice B. Hinman.  
Reynold D. Hogle.  
Alexander H. Hood.  
Wilfred J. Huelskamp.  
Gerald L. Huff.  
Edward F. Hutchins.  
Charles K. Hutchison.  
Roy Jackson.  
Gustave N. Johansen.  
Carl A. Johnson.  
Francis J. Johnson.  
Roy L. Johnson.  
Lloyd H. Jones.  
Francis D. Jordan.  
Earl A. Junghans.  
William L. Kabler.  
Harold E. Karrer.  
John H. Keatley.  
Frederic S. Keeler.  
Marvin G. Kennedy.  
Thomas E. Kent, jr.  
Oliver G. Kirk.  
George L. Kohr.  
Frederick W. Kuhn.  
Richard C. Lake.  
Caleb B. Laning.  
Almon E. Loomis.  
Albert D. Lucas.

Ralph C. Lynch, jr.  
 Harold A. MacFarlane.  
 MacDonald C. Mains.  
 William A. Marchant.  
 Clayton C. Marcy.  
 Edwin P. Martin.  
 Melvin M. Martin.  
 Dominic L. Mattie.  
 John V. McAlpin, jr.  
 Clayton C. McCauley.  
 William H. McClure.  
 Robert B. McCoy.  
 John H. McElroy.  
 Robert DeV. McGinnis.  
 Rob R. McGregor.  
 Lee E. McIntyre.  
 Henry J. McRoberts.  
 Alolph J. Miller.  
 Cleveland F. Miller.  
 Clair LeM. Miller.  
 James H. Mills, jr.  
 Frank P. Mitchell, jr.  
 John R. Moore.  
 Charles C. Morgan.  
 Leonard T. Morse.  
 Hugo A. Nelson.  
 Paul J. Nelson.  
 Harold Nielsen.  
 Frank Novak.  
 Edward J. O'Donnell.  
 William Oliver.  
 Philip R. Osborn.  
 Elliott W. Parish, jr.  
 Goldsborough S. Patrick.  
 William E. Pennewill.  
 Albert C. Perkins.  
 Seraphin B. Perreault.  
 Henry S. Persons, jr.  
 Carl A. Peterson.  
 Charles F. Phillips.  
 Jack H. Prause.  
 Knight Pryor.  
 John Raby.  
 Robert J. Ramsbotham.  
 Herman L. Ray.  
 John P. Rembert, jr.  
 Leslie E. Richardson.

William J. Richter.  
 Claude V. Ricketts.  
 Warner S. Rodimon.  
 Roderick S. Rooney.  
 Egbert A. Roth.  
 Emery Roughton.  
 Earl T. Schreiber.  
 George A. Sharp.  
 Corben C. Shute.  
 Leroy C. Simpler.  
 Augustus R. St. Angelo.  
 Edward C. Stephan.  
 Frank B. Stephens.  
 Claude W. Stewart.  
 Donald F. Stillman.  
 Lowell T. Stone.  
 William S. Stovall, jr.  
 Albert W. Strahorn.  
 Stanley C. Strong.  
 Kemp Tolley.  
 Charles E. Trescott.  
 Charles O. Triebel.  
 Henry B. Twohy.  
 Bruce A. Van Voorhis.  
 Richard G. Visser.  
 Delos E. Wait.  
 George H. Wales.  
 Calvin A. Walker, jr.  
 Philip A. Walker.  
 William G. Waltermire.  
 Jacob W. Waterhouse.  
 William H. Watson, jr.  
 Charles E. Weakley.  
 John B. Webster.  
 Donald F. Weiss.  
 David J. Welsh.  
 Harold P. Westropp.  
 Albert F. White.  
 William W. White.  
 Robert H. Wilkinson.  
 Thomas P. Wilson.  
 Thomas R. Wilson.  
 Paul L. Woerner.  
 Albert H. Wotton.  
 Mathias B. Wyatt.  
 John R. Yoho.

## TO BE ASSISTANT PAYMASTER

Burl H. Bush.  
 Ernest C. Collins.  
 Henry S. Cone.  
 Charles A. Meeker.

## POSTMASTERS

## GEORGIA

Tilden A. Adkins, Vienna.

## MISSOURI

George T. Holybee, jr., Platte City.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, May 22, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, at this noonday moment we would lift up our voice to Thee and seek to feel the restful assurance of the helping, transforming power of Thy presence. Send us forth on our errands of duty. As we touch life, may we gladden and cheer our fellows. O Thou who dost clothe the lily and inspire the song bird, help us to grow in the beauty and sweetness of the Christian virtues. Let our faith see through doubt, endure hardship and temptation, and hold steadfastly to Thee. Fill us with large sympathies for others and bless us with complete trust in Thy goodness, which is at the heart of humankind. Amen.

The Journal of the proceedings of yesterday was read and approved.

## EXTENSION OF REMARKS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of farm relief by incorporating a letter to me on the same subject from former Senator Thomas W. Hardwick, of Georgia.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing a letter to him from a former Senator. Is there objection?

Mr. UNDERHILL. Reserving the right to object, I think this comes within the class of articles excluded from the RECORD, and I object.

Mr. VINSON of Georgia. Will the gentleman withhold his objection for a moment?

Mr. UNDERHILL. I will withhold it.

Mr. VINSON of Georgia. This is a letter from a former Member of the House and a former Senator giving his views of farm relief.

Mr. UNDERHILL. What good does it do to discuss farm relief now?

Mr. VINSON of Georgia. This is on the debenture plan, which will be very enlightening to the House.

Mr. UNDERHILL. I think, Mr. Speaker, I will object.

## PERMISSION TO ADDRESS THE HOUSE

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for five minutes. Is there objection?

Mr. HAWLEY. Mr. Speaker, I am sorry, but I shall have to object.

## THE O'FALLON CASE

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement prepared by the gentleman from Texas [Mr. RAYBURN] touching the decision of the Supreme Court in the O'Fallon Railroad case.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a statement prepared by the gentleman from Texas, Mr. RAYBURN, touching the decision of the Supreme Court in the O'Fallon railroad case.

The statement is as follows:

The decision of the majority of the Supreme Court of the United States handed down yesterday in the O'Fallon case would, if coming from any other source than this august and respected body, be nothing short of shocking. A majority of the members of the Supreme Court held that, notwithstanding the Interstate Commerce Commission, a fact-finding body, having before it all the facts relative to the reproduction costs of this railroad, and although a majority of the members of the Interstate Commerce Commission contend they did so consider the reproduction costs as stated in the dissenting opinion of Mr. Justice Stone, says that the commission did not take these facts, circumstances, and elements into consideration in finding the valuation of the O'Fallon railroad. In my opinion the Interstate Commerce Commission followed the law and took into consideration all of the facts, circumstances, and legal demands made upon it by the act of Congress for finding and fixing the valuation of railroad property devoted to the service of transportation. In section 15a Congress commanded the Interstate Commerce Commission to take into consideration reproduction costs in fixing the value of railroads, but Congress did not say to the commission that reproduction costs should be the sole nor even the controlling factor in the determination of railroad valuation.

The decision in this case has strikingly impressed upon the country the indefensible character of the interpretation of the rate-making power of section 15a.

If the method of valuation for rate-making purposes indicated here is to prevail hereafter it will increase the valuation of the roads \$10,000,000,000 and be authority for a general boost for freight rates. Further, if this is to be the interpretation, then Congress by section 15a has established a rule of rate making that is arbitrary and uneconomic and which disregards reasonable rate making from the standpoint of the shipper. It will tend to bring imprudent investment in railroad property somewhat on a par with railroad investments prudently conceived. It is a measure of rate regulation that gives a current return to the original investment and also charges the public with the increased costs of replacement, not in fact made, but gives a double return to the railroads and creates to that extent a double charge against the shippers. We are supposed to allow a reasonable return on the investment. This decision would also allow a boost on the investment that might equal the return which it was the purpose of Congress to permit. Such a plan of rate making will fasten piratical rates upon the shippers of the country. This decision emphasizes what I, as a minority Member, have repeatedly called attention to the Committee on Interstate and Foreign Commerce of the House, and that is that Congress should take up the con-